UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/1991/2
E/CN.4/Sub.2/1990/59
15 October 1990

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Geneva, 6-31 August 1990

Rapporteur: Mr. Vergre Saboia

best copy available

CONTENTS

Chapter | Page

I. Issues referred to the Commission on Human Rights for its attention, action or consideration 1

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa 1

II. Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council 3

III. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities 4

IV. Human rights and the environment 5

V. Right to a fair trial 6

VI. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 8

VII. Programme of action for the elimination of the exploitation of child labour 9

B. Draft decisions

1. Question of human rights and states of emergency 16

2. Draft universal declaration of indigenous rights 16

3. Draft declaration on the protection of all persons from enforced or involuntary disappearances 16

CONTENTS (continued)

Chapter   Page

I. (cont'd) C. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

A. Resolutions

1990/1 Further measures to combat racism and racial discrimination and the role of the Sub-Commission 17

1990/8 Assassination of Professor Kazem Rajavi on political grounds 17

1990/9 Situation of human rights in the Islamic Republic of Iran 17

1990/11 Situation of human rights in Guatemala 17

1990/13 Situation in Iraq and in occupied Kuwait 17

1990/14 Situation of human rights in El Salvador 17

1990/15 Situation in East Timor 17

1990/16 Realization of economic, social and cultural rights 17

1990/22 Question of human rights of persons subjected to any form of detention and imprisonment: report of Mr. Louis Joinet 17

1990/24 Encouragement of universal acceptance of human rights instruments 17

1990/29 International year of the world's indigenous peoples 17

1990/30 Report of the Working Group on Contemporary Forms of Slavery 17

READEX FICHE

CONTENTS (continued)

Chapter Page

I. (cont'd)

B. Decisions

1990/105 Suspension of rule 59 to allow for voting by secret ballot on resolutions under item 6 of the agenda 17

1990/108 Appeal concerning the situation in the Gulf 17

1990/109 Appeal concerning the situation in the Gulf 17

1990/110 Meeting of non-governmental organizations on Palestine 17

1990/111 Suspension of rule 59 to allow for voting by secret ballot on proposals under Economic and Social Council resolution 1503 (XLVIII) 18

1990/112 Consideration of communications under Economic and Social Council resolution 1503 (XLVIII) 18

1990/114 World conference on human rights 18

1990/119 Human rights and extreme poverty 18

1990/120 Protection of staff members of the United Nations system 18

1990/121 Situation in Lebanon 18

II. Resolutions and decisions adopted by the Sub-Commission at its forty-second session 19

A. Resolutions

1990/1 Further measures to combat racism and racial discrimination and the role of the Sub-Commission 19

1990/2 Measures to combat racism and racial discrimination and the role of the Sub-Commission 21

1990/3 Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa 22

CONTENTS (continued)

Chapter Page

II. (cont'd) A. Resolutions (continued)

1990/4 Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council 23

1990/5 Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities 23

1990/6 Compensation for victims of gross violations of human rights 25

1990/7 Human rights and the environment 25

1990/8 Assassination of Professor Kazem Rajavi on political grounds 26

1990/9 Situation of human rights in the Islamic Republic of Iran 27

1990/10 Situation in South Africa 28

1990/11 Situation of human rights in Guatemala 30

1990/12 Situation in the Palestinian and other Arab territories occupied by Israel 32

1990/13 Situation in Iraq and in occupied Kuwait ... 35

1990/14 Situation of human rights in El Salvador ... 36

1990/15 Situation in East Timor 38

1990/16 Realization of economic, social and cultural rights 39

1990/17 Human rights dimensions of population transfer, including the implantation of settlers and settlements 41

1990/18 Right to a fair trial 42

1990/19 Question of human rights and states of emergency 42

1990/20 Violations of the human rights of staff members and other persons acting under the authority of the United Nations 45

CONTENTS (continued)

Chapter | Page

II. (cont'd) A. Resolutions (continued)

1990/21 Application of international standards concerning the human rights of detained juveniles 46

1990/22 Question of human rights of persons subjected to any form of detention and imprisonment: report of Mr. Louis Joinet 47

1990/23 Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers 48

1990/24 Encouragement of universal acceptance of human rights instruments 49

1990/25 Ownership and control of the cultural property of indigenous peoples 51

1990/26 Draft universal declaration of indigenous rights 53

1990/27 Economic and social relations between indigenous peoples and States 55

1990/28 Study on treaties, agreements and other constructive arrangements between States and indigenous populations 57

1990/29 International year of the world's indigenous peoples 58

1990/30 Report of the Working Group on Contemporary Forms of Slavery 59

1990/31 Programme of action for the elimination of the exploitation of child labour 62

1990/32 Report on human rights and youth prepared by Mr. Dumitru Mazilu 62

1990/33 Draft declaration on the protection of all persons from enforced or involuntary disappearances 63

1990/34 Relocation of Navajo and Hopi families 64

CONTENTS (continued)

Chapter

Page

II. (cont'd) B. Decisions

1990/101 Establishment of sessional working groups 66
1990/102 Organization of work 66
1990/103 Demise of Ms. Pearl Bailey 66
1990/104 Continuation of debate on the proposal by Mr. Joinet concerning the secret vote 67
1990/105 Provisional suspension of rule 59 to allow for voting by secret ballot on resolutions under item 6 of the agenda 67
1990/106 Postponement of consideration of draft resolution E/CN.4/Sub.2/1990/L.7 and amendments thereto 67
1990/107 Conduct of speeches 67
1990/108 Appeal concerning the situation in the Gulf 68
1990/109 Appeal concerning the situation in the Gulf 68
1990/110 Meeting of non-governmental organizations on Palestine 68
1990/111 Suspension of rule 59 to allow for voting by secret ballot on proposals under Economic and Social Council resolution 1503 (XLVIII) 68
1990/112 Consideration of communications under Economic and Social Council resolution 1503 (XLVIII) 69
1990/113 Human rights and disability 69
1990/114 World conference on human rights 69
1990/115 Postponement of draft resolution E/CN.4/Sub.2/1990/L.40 69
1990/116 Postponement of draft resolution E/CN.4/Sub.2/1990/L.45 69

CONTENTS (continued)

Chapter Page

II. (cont'd) B. Decisions (continued)

1990/117 Preliminary report on the right to freedom of opinion and expression 70

1990/118 Preliminary report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS 70

1990/119 Human rights and extreme poverty 70

1990/120 Protection of staff members of the United Nations system 70

1990/121 Situation in Lebanon 71

1990/122 Conduct of voting 71

1990/123 Right of everyone to leave any country, including his own, and to return to his country 71

1990/124 Working Group on Detention 72

1990/125 Working Group established pursuant to Sub-Commission decision 1989/104 72

1990/126 Composition of the Working Groups of the Sub-Commission 72

III. Organization of the forty-second session 73

IV. Review of the work of the Sub-Commission 79

V. Review of further developments in fields with which the Sub-Commission has been concerned 85

VI. Elimination of racial discrimination 90

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission 90

B. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa 93

CONTENTS (*continued*)

Chapter		Page
VII.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	95
VIII.	The new international economic order and the promotion of human rights	105
	A. The role and equal participation of women in development	105
IX.	The realization of economic, social and cultural rights	106
X.	Communications concerning human rights: report of the Working Group on communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)	109
XI.	The administration of justice and the human rights of detainees	111
	A. Question of human rights of persons subjected to any form of detention and imprisonment	111
	B. Question of human rights and states of emergency ...	111
	C. Individualization of prosecution and penalties, and repercussions of violations of human rights on families	111
	D. The right to a fair trial	111
XII.	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers	117
XIII.	Human rights and disability	119
XIV.	Human rights and scientific and technological developments	120
XV.	Encouragement of universal acceptance of human rights instruments	121
XVI.	Discrimination against indigenous peoples	122

CONTENTS (continued)

Chapter Page

XVII. Contemporary forms of slavery 126

XVIII. Promotion, protection and restoration of human rights at national, regional and international levels 128

A. Prevention of discrimination and protection of children: human rights and youth 128

B. Prevention of discrimination and protection of women 128

XIX. Protection of minorities 130

XX. The right of everyone to leave any country, including his own, and to return to his country 132

XXI. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-third session of the Sub-Commission 133

XXII. Adoption of the report on the forty-second session 140

Annexes

I. Agenda 141

II. Attendance 143

III. Administrative and programme budget implications of resolutions and decisions adopted by the Sub-Commission at its forty-second session 147

IV. List of studies and reports under preparation by members of the Sub-Commission in accordance with existing legislative authority 178

V. List of documents issued for the forty-second session of the Sub-Commission 181

NOTES

1. The summary records of the meetings are issued in final form by meeting, subject to correction. Any corrections to the records of the meetings of the current session will be issued in a single corrigendum: E/CN.4/Sub.2/1990/SR.1-SR.36/Corrigendum.

2. The number in parenthesis following the name of a member of the Sub-Commission, country or organization indicates the meeting at which a statement was made by the member, country or organization and corresponds to the relevant summary record.

3. At its thirty-seventh session, in resolution 17 (XXXVII) of 10 March 1981, the Commission on Human Rights requested the Sub-Commission, in drawing up its annual report to the Commission, to present and indicate clearly in an introductory chapter all matters requiring the approval of the Commission; such matters include all resolutions and decisions of the Sub-Commission other than those bearing on internal procedural questions or those which follow up previously approved or specifically mandated courses of action.

4. Chapter I has been prepared in accordance with that resolution. Draft resolutions recommended to the Commission for adoption are contained in section A and draft decisions referring to matters which require action or consideration by the Commission are indicated in section B. Sub-Commission resolutions and decisions referring to matters which are drawn to the attention of the Commission and which require consideration or action by the Commission are indicated in section C.

I. ISSUES REFERRED TO THE COMMISSION ON HUMAN RIGHTS FOR ITS ATTENTION, ACTION OR CONSIDERATION

A. Draft resolutions

I. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa

The Commission on Human Rights,

Taking note of Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/18 of 31 August 1989,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

Noting the initiative of the President of South Africa on 2 February 1990, promising a new era in South Africa and an end to white domination,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Welcomes with satisfaction Commission on Human Rights resolution 1990/22 of 27 February 1990, in which the Commission invited the Special Rapporteur:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report;

4. *Calls upon* all Governments:

(a) To co-operate with the Special Rapporteur in making the report even more accurate and informative;

(b) To disseminate the updated report and give its contents the widest possible publicity;

5. *Also calls upon* all Governments and organizations to maintain sanctions against the racist régime of South Africa until the total dismantlement of the *apartheid* system, in conformity with the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa, adopted by the General Assembly on 14 December 1989 in its resolution S-16/1;

6. *Invites* the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-third session and the Commission on Human Rights at its forty-seventh session to consider the revised report;

7. *Requests* the Secretary-General, in accordance with General Assembly resolution 43/92 of 8 December 1988, to make available to the Special Rapporteur two economists to help him develop his analysis and documentation on specific cases of special importance;

8. *Requests* the Secretary-General to give the Special Rapporteur all the assistance that he may require in the exercise of his mandate, with a view to intensifying direct contacts with the United Nations Centre on Transnational Corporations and the Centre against *Apartheid* and to consolidating mutual co-operation in updating his report;

9. *Requests* the Secretary-General to bring the updated report of the Special Rapporteur to the attention of Governments whose national financial institutions continue to deal with the régime of South Africa, and to call upon them to provide the Special Rapporteur with any information or comments they may wish to present on the matter;

10. *Requests* the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a visit to South Africa on special mission within the perspective of the next update of the present report;

11. *Invites* the Secretary-General to continue to give the updated report of the Special Rapporteur the widest distribution and publicity as a United Nations publication.

[See chap. II, sect. A, resolution 1990/3 and chap. VI.]

II. Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council

The Commission on Human Rights,

Recognizing that the Sub-Commission on Protection of Minorities is a body of independent experts,

Recalling the Advisory Opinion of the International Court of Justice of 15 December 1989, in particular paragraphs 43, 47, 50, 51, 52, 54 and 55, according to which experts' independence should be ensured in the interest of the United Nations,

Believing that situations of serious violations which come before the Sub-Commission require the use of a secret ballot to strengthen the independence of the membership,

Bearing in mind the opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989,

1. Proposes that the Economic and Social Council interpret the rules of procedure as they pertain to the Sub-Commission;

2. Recommends the following draft resolution to the Economic and Social Council for adoption at its next session:

The Economic and Social Council,

Taking into account the relevant opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989,

Adds the following footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council:

> "It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

[See chap. II, sect. A, resolution 1990/4 and chap. IV.]

III. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Commission on Human Rights,

Taking into account resolution 1990/5 of 23 August 1990 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his progress report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);

2. Endorses the methods proposed by the Special Rapporteur for the further study of facilitating the peaceful and constructive solution of problems involving minorities;

3. Requests the Special Rapporteur to submit to the Sub-Commission a preliminary report at its forty-third session, taking into account, among other information, the comments and suggestions made by the members of the Sub-Commission as well as replies from Governments, specialized agencies, regional intergovernmental and non-governmental organizations;

4. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require, including a technical meeting of experts for three days, to enable him to carry out his work successfully.

[See chap. II, sect. A, resolution 1990/5 and chap. XIX.]

IV. Human rights and the environment

The Commission on Human Rights,

Noting General Assembly resolution 44/228 of 22 December 1989 and Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/7 of 30 August 1990,

1. Endorses the decision of the Sub-Commission to entrust Mrs. Fatma Zohra Ksentini with the task of preparing a study on human rights and the environment;

2. Requests the Secretary-General to invite Governments, United Nations organs, specialized agencies, intergovernmental and non-governmental organizations, and indigenous people's organizations, to provide Mrs. Ksentini with information relevant for the preparation of her report;

3. Recommends to the Preparatory Committee of the United Nations Conference on Environment and Development that Mrs. Ksentini be invited to participate as an Observer at the sessions of the Preparatory Committee and the Conference;

4. Recommends to the Economic and Social Council the adoption of the following draft decision:

> "The Economic and Social Council, noting Commission on Human Rights resolution 1991/... of ... March 1991, approves the endorsement of the appointment to Mrs. Fatma Zohra Ksentini as Special Rapporteur to prepare a study on human rights and the environment and requests the Secretary-General to provide her with all the assistance she may need for the completion of this task."

[See chap. II, sect. A, resolution 1990/7 and chap. V.]

V. Right to a fair trial

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights which affirms the right of every individual to a fair and public hearing by an independent and impartial tribunal,

Bearing in mind the International Covenant on Civil and Political Rights which reaffirms the equality of all persons before courts and tribunals and the right of everyone to a fair and public hearing,

Noting the fair trial provisions in the African Charter on Human and Peoples' Rights, the American Convention on Human Rights, the European Convention on Human Rights, the Geneva Conventions Relating to the Protection of Victims of International Armed Conflict, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Recalling its decision 1990/108 of 7 March 1990, welcoming the appointment of Mr. Stanislav Chernichenko and Mr. William Treat to prepare a report on the right to a fair trial,

Aware of General Assembly resolution 41/120 of 4 December 1986 regarding the development of international standards in the field of human rights,

Considering that the availability of a fair trial is essential for the protection of human rights and fundamental freedoms as well as maintaining respect for the inherent dignity of the human person,

Having examined the work done by the Sub-Commission on Prevention of Discrimination and Protection of Minorities relating to the right to a fair trial,

Having examined also the brief report on the right to a fair trial prepared by Mr. Chernichenko and Mr. Treat in accordance with Sub-Commission resolution 1989/27 of 1 September 1989 (E/CN.4/Sub.2/1990/34),

Welcoming the recommendations made by Mr. Chernichenko and Mr. Treat (ibid., paras. 146-153) and endorsed by the Sub-Commission in its resolution 1990/18,

1. Endorses the decision of the Sub-Commission to entrust Mr. Stanislav Chernichenko and Mr. William Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening";

2. Requests the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require;

3. Requests the two Special Rapporteurs to draft a questionnaire on the right to a fair trial;

4. Requests the Secretary-General to transmit the questionnaire with the brief report to Governments, the specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council for their response and comments, and to transmit the responses to the Special Rapporteurs for consideration in connection with their study;

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights decisions 1990/108 of 7 March 1990 welcoming the appointment of the two Special Rapporteurs on the right to a fair trial, and 1991/___ of ____ 1991,

Recalling also General Assembly resolution 41/120 of 4 December 1986 regarding the development of international standards in the field of human rights,

Taking into account the brief report on the right to a fair trial prepared by Mr. Stanislav Chernichenko and Mr. William Treat (E/CN.4/Sub.2/1990/34),

1. Endorses Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/18 of 30 August 1990, by which the Sub-Commission decided to entrust Mr. Stanislav Chernichenko and Mr. William Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening" and Commission on Human Rights resolution 1991/___ of ___ 1991;

2. Requests the Secretary-General to provide the two Special Rapporteurs with all the necessary assistance to carry out the above-mentioned study;

3. Requests the two Special Rapporteurs to draft a questionnaire on the right to a fair trial;

4. Requests the Secretary-General to transmit the questionnaire with the working paper to Governments, the specialized agencies and non-governmental organizations in consultative status with the Economic and Social Council for their response and comments and requests the Secretary-General to transmit the responses to the Special Rapporteurs for consideration in connection with their study;

5. Requests the Special Rapporteurs to produce a preliminary report based upon their study, the responses to the questionnaire and ways to formulate the basic guarantees necessary for a fair trial into an international standard like a model code, and to submit it to the Sub-Commission for consideration at its forty-third session and for comments to the Commission on Human Rights at its forty-eighth session.

[See chap. II, sect. A, resolution 1990/18 and chap. XI.]

VI. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Commission on Human Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Recalling its resolution 1989/32 of 6 March 1989, by which it requested that the Sub-Commission on Prevention of Discrimination and Protection of Minorities consider effective means of monitoring the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers, and 1990/33 of 2 March 1990, in which it endorsed Sub-Commission resolution 1989/22 of 31 August 1989 inviting Mr. Joinet to prepare a working paper on means by which the Sub-Commission could monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers, as requested in Commission on Human Rights resolution 1989/32,

Having examined the work done by the Sub-Commission relating to the independence and impartiality of the judiciary and the independence of lawyers,

Having examined also the working paper (E/CN.4/Sub.2/1990/35) prepared by Mr. Joinet in accordance with Sub-Commission resolution 1989/22,

1. Welcomes the recommendations made in that working paper (ibid., para. 76) and endorsed by the Sub-Commission in its resolution 1990/23 of 30 August 1990;

2. Endorses the decision of the Sub-Commission to entrust Mr. Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers as described in Sub-Commission resolution 1990/23;

3. Requests the Secretary-General to provide the Rapporteur with all the assistance necessary for the completion of his task;

4. Recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, taking note of Commission on Human Rights resolution ... of ..., endorses the decision of the Commission to welcome the decision of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to entrust Mr. Joinet with the preparation of a report on strengthening the independence of the judiciary and the protection of practising lawyers as described in Sub-Commission resolution 1990/23, and approves the request of the Commission to the Secretary-General to give Mr. Joinet the assistance necessary for the completion of his task."

[See chap. II, sect. A, resolution 1990/23 and chap. XII.]

VII. Programme of action for the elimination of the exploitation of child labour

The Commission on Human Rights,

Having examined the report of the Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1990/44) submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-second session,

Having taken note with deep anxiety of the information relating to the world-wide phenomenon of the exploitation of child labour,

Noting also that most of the victims of such exploitation are children from countries of the third world facing development problems,

Gravely concerned about the consequences of these practices for the children who are their victims,

Having examined the various elements of the programme of action for the elimination of the exploitation of child labour proposed by the Sub-Commission (see E/CN.4/Sub.2/1990/44, annex I, sect. A),

1. Endorses the views expressed by the Sub-Commission on the need to adopt a concerted programme of action to combat these practices;

2. Decides to transmit the draft programme of action annexed hereto for their comments to Governments, the specialized agencies and other intergovernmental organizations, as well as non-governmental organizations;

3. Requests the Secretary-General to submit a summary of the replies received to the Commission at its forty-seventh session;

4. Further decides to examine the draft programme of action and the report of the Secretary-General at its forty-eighth session.

Annex

Programme of action for the elimination of the exploitation of child labour

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and world-wide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned to exploitation until poverty is overcome. Underdevelopment cannot justify the

exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the eradication of the most odious forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations and debt bondage.

4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. The action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age, with a view to the total eradication of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the *apartheid* régime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the exploitation of child labour. Eradication of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks.

At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. The information campaign should also be able to reach children direct, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and develop vocational training, are extremely necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of eradication of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment of the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of ILO Convention No. 138, States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and so to raise progressively the minimum age of admission to employment or work to a level consistent with the fullest physical and mental development of young person". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography, involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration of the Rights of the Child of 20 November 1959 (General Assembly resolution 1386 (XIV)), and more particularly:

> Principle 2, according to which "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity".
>
> Principle 9, according to which "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form".

16. States should consider the possibility of ratifying the Convention on the Rights of the Child as soon as possible and in this context should fully implement, in particular, article 32, which reads as follows:

> "1. States parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.
>
> 2. States parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States parties shall in particular:
>
> (a) Provide for a minimum age or minimum ages for admission to employment;
>
> (b) Provide for appropriate regulation of the hours and conditions of employment;
>
> (c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Noting that over 40 countries have ratified ILO Convention No. 138, those that have not done so should take appropriate steps to ratify this Convention. In this connection, greater assistance from ILO should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should sign and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States which have not already done so should review their legislation in the field of child labour with a view to absolute prohibition of employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Work concerned with trafficking in and production of illicit drugs;

(f) Work involving degrading or cruel treatment.

20. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs or in armed conflicts or military activities, or any other form of conflict.

21. States should, where necessary, undertake development programmes with a view to:

(a) Making primary education compulsory and available free to all;

(b) Assisting and encouraging families in order that their children may continue their education, in order to combat the phenomenon of school drop-outs;

(c) Adapting school curricula to the preparation of a child for a career;

(d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;

(e) Establishing or improving medical services for children.

22. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given to national and regional plans for social and economic development to the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people, and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

23. All member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation.

Role of United Nations organs and specialized agencies

24. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other specialized agencies and United Nations organs should develop or reinforce their activities in the field of child labour.

25. All competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local sub-contractors.

26. The United Nations and specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

27. While the question of exploitation of child labour should primarily be dealt with in the International Labour Organisation, the United Nations human rights organs should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission should continue to have responsibility in this field.

28. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative research into the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

29. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

Co-operation at the local, national and international levels

30. All principal steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness, amongst children, parents, workers and employers, of the causes and the adverse effects of child labour, and measures to combat its exploitation. Such steps could include the wider dissemination of relevant international instruments translated, where appropriate, into other languages in addition to the official languages of the United Nations.

31. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

32. The United Nations organs and specialized agencies dealing with the problem of child labour should seek the co-operation of national and international trade unions.

33. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

34. Concerned United Nations organs and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups, in countries where child labour exists.

35. Members of the international community should co-operate in order to assist developing countries in creating conditions under which child labour could be entirely eradicated.

[See chap. II, sect. A, resolution 1990/31 and chap. XVII.]

B. Draft decisions

1. Question of human rights and states of emergency

"The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/19 of 30 August 1990, recommends to the Economic and Social Council the following draft decision:

> 'The Economic and Social Council, noting Commission on Human Rights decision 1991/... and resolution 1990/19 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request by the Sub-Commission to Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list on states of emergencies and to present in his annual report to the Sub-Commission and the Commission on Human Rights draft standard provisions on emergency situations. The Council further endorses the request to the Secretary-General to provide the Special Rapporteur with all the assistance he may require in order to enable him to carry out his work and in particular to respond in an effective way to information submitted to him.'"

[See chap. II, sect. A, resolution 1990/19 and chap. XI.]

2. Draft universal declaration of indigenous rights

"The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/26 of 31 August 1990, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission, for the purpose of intensifying its efforts to complete a draft declaration on the rights of indigenous peoples in consultation with interested Governments and organizations of indigenous peoples."

[See chap. II, sect. A, resolution 1990/26 and chap. XVI.]

3. Draft declaration on the protection of all persons from enforced or involuntary disappearances

The Commission on Human Rights, at its ... meeting, held on ..., noting Sub-Commission resolution 1990/33 of 31 August 1990, by which the Sub-Commission adopted the draft declaration on the protection of all persons from enforced and involuntary disappearances (E/CN.4/Sub.2/1990/32, annex) and transmitted it to the Commission for consideration, adopts the draft declaration and recommends to the Economic and Social Council that it adopt the draft declaration and submit it for final consideration and adoption to the General Assembly at its forty-sixth session.

[See chap. II, sect. A, resolution 1990/33 and chap. XI.]

C. Sub-Commission resolutions and decisions referring to matters which are drawn to the Commission's attention and which require consideration or action by the Commission

A. Resolutions

1990/1	Further measures to combat racism and racial discrimination and the role of the Sub-Commission	operative para. 1
1990/8	Assassination of Professor Kazem Rajavi on political grounds	operative para. 4
1990/9	Situation of human rights in the Islamic Republic of Iran	operative para. 1
1990/11	Situation of human rights in Guatemala	preambular para. 3
1990/13	Situation in Iraq and in occupied Kuwait	operative para.4
1990/14	Situation of human rights in El Salvador	operative para. 8
1990/15	Situation in East Timor	operative para. 4
1990/16	Realization of economic, social and cultural rights	operative para. 6
1990/22	Question of human rights of persons subjected to any form of detention and imprisonment: report of Mr. Louis Joinet	operative paras. 2 to 6
1990/24	Encouragement of universal acceptance of human rights instruments	operative para. 5
1990/29	International year of the world's indigenous peoples	operative para. 3
1990/30	Report of the Working Group on Contemporary Forms of Slavery	operative para. 5

B. Decisions

1990/105	Suspension of rule 59 to allow for voting by secret ballot on resolutions under item 6 of the agenda
1990/108	Appeal concerning the situation in the Gulf
1990/109	Appeal concerning the situation in the Gulf
1990/110	Meeting of non-governmental organizations on Palestine

B. Decisions (continued)

1990/111	Suspension of rule 59 to allow for voting by secret ballot on proposals under Economic and Social Council resolution 1503 (XLVIII)
1990/112	Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)
1990/114	World conference on human rights
1990/119	Human rights and extreme poverty
1990/120	Protection of staff members of the United Nations system
1990/121	Situation in Lebanon

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-SECOND SESSION

A. Resolutions

1990/1. Further measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/19 of 31 August 1989, by which the Sub-Commission referred to the Commission on Human Rights, for further consideration, the final report of the Special Rapporteur on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, and decided to consider further, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation,

Mindful of General Assembly resolution 44/52 of 8 December 1989, by which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, are among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Considering that, despite the efforts thus far of the international community, the principal objectives of the Decades to Combat Racism have not been attained, and that millions of human beings continue to be the victims of varied forms of racism, racial discrimination and apartheid,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of migrant workers and their families,

Conscious that the scourges of racism and racial discrimination are continually assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Convinced however that racism and racial discrimination, in whatever form, are intensified, inter alia, by conflicts over economic resources, in developed as well as developing countries, and can best be defeated by a combination of economic as well as legislative and educational measures,

Reaffirming that all human rights and fundamental freedoms, economic, social and cultural as well as civil and political, are indivisible and interrelated,

Taking note, in this regard, of Commission on Human Rights resolution 1990/17 of 23 February 1990, by which the Commission requested the Secretary-General to intensify co-ordination between the human rights activities of the United Nations and the programmes of development agencies, Taking note also of Commission on Human Rights resolution 1990/24 of 27 February 1990, by which the Commission recognized that the activities of the various organizations in the United Nations system should be closely interrelated in order to promote human rights more effectively,

Taking into account the conclusions and suggestions of the global consultation on racism and racial discrimination held at Geneva from 3 to 6 October 1988 (E/1989/48, annex, sect. VII), the conclusions and recommendations of the United Nations Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States, held at Geneva from 16 to 20 January 1989 (E/CN.4/1989/22, sects. III and IV), and the conclusions and recommendations of the International Seminar on Cultural Dialogue between the Countries of Origin and the Host Countries of Migrant Workers, held at Athens from 18 to 24 September 1990 (see E/CN.4/1990/50),

Convinced of the need for the proclamation by the General Assembly, in 1993, of a third Decade to Combat Racism and Racial Discrimination, as a means of intensifying international efforts in this field, particularly through international economic co-operation,

1. Recommends that the General Assembly take appropriate steps, in due course, to launch a third Decade to Combat Racism and Racial Discrimination, to begin in 1993;

2. Emphasizes the obligation of the international community to take urgent measures to eradicate apartheid completely, and to combat all other forms of racism and racial discrimination, including those practised against indigenous peoples, migrant workers and other vulnerable groups in society;

3. Confirms the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, education and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level;

4. Recognizes the important role that can be played in this regard by the Sub-Commission, as well as the need for more effective co-ordination between the Centre for Human Rights and operational activities for development;

5. Recognizes also the importance of activities aimed at directly assisting vulnerable groups to strengthen their participation in national economic, social and political life;

6. Requests the Secretary-General to organize, at the forty-third session of the Sub-Commission, a joint meeting for one day with the Committee on the Elimination of Racial Discrimination;

7. Requests the Secretary-General to consider ways and means necessary to respond to urgent situations and new trends involving racism or racial discrimination, in any part of the world, and to prepare an outline, for

consideration by the Sub-Commission at its forty-third session, of possible activities for increasing the effectivness of United Nations action to combat racism and racial discrimination, reflecting the principles contained in this resolution.

18th meeting
20 August 1990

[Adopted without a vote. See chap. VI.]

1990/2. *Measures to combat racism and racial discrimination and the role of the Sub-Commission*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/19 of 31 August 1989,

Recalling further Commission on Human Rights resolutions 1990/13 of 23 February 1990, and 1990/44, 1990/45 and 1990/46 of 6 March 1990,

Having considered Mr. Asbjørn Eide's study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, particularly its conclusions and recommendations (E/CN.4/Sub.2/1989/8 and Add.1),

Conscious of its special responsibility to give due regard to new developments in the field of human rights,

Deeply concerned that there are signs of an upsurge of racism, with accompanying manifestations of prejudice, discrimination, intolerance and xenophobia in many parts of the world directed against ethnic, national, religious and linguistic minorities, indigenous peoples, migrant workers and other vulnerable groups,

Firmly determined to do its utmost to contribute to eradicating these dangerous manifestations which affect the basic human rights and fundamental freedoms of the above-mentioned groups,

Taking into account, in this light, the recommendation of the Special Rapporteur to update the study on racial discrimination prepared by Mr. Hernán Santa Cruz in 1976 (E/CN.4/Sub.2/370 and Add.1-6 and Add.6/Corr.1),

1. *Expresses again its appreciation* to the Special Rapporteur, Mr. Asbjørn Eide, for his valuable, wide-ranging and useful study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination;

2. *Decides* to transmit the recommendations contained in his study, as revised in the light of the discussion at the present session of the Sub-Commission, to the Secretary-General so that they may be taken into account in further efforts to combat racism and racial discrimination;

3. Emphasizes the need to give an additional thrust towards the achievement of the goals of the Second Decade to Combat Racism and Racial Discrimination and to contribute to the eradication of the recent upsurge of racist, prejudicial, discriminatory, intolerant and xenophobic attitudes and actions against vulnerable human groups in various parts of the world;

4. Requests the Secretary-General to prepare, on the basis of replies obtained from Governments, specialized agencies and other intergovernmental organizations, as well as from non-governmental organizations, an overview of current trends of racism, discrimination, intolerance and xenophobia affecting the above-mentioned groups, as well as of measures taken by Governments against those phenomena and the effects of such measures and to submit the overview for consideration by the Sub-Commission at its forty-third session, under item 5 (a) of its agenda;

5. Decides to give thorough consideration at its forty-third session, under agenda item 5 (a), and in the light of these new trends, to the recommendation of the Special Rapporteur to update the study on racial discrimination prepared in 1976 by Mr. Hernán Santa Cruz.

18th meeting
20 August 1990

[Adopted without a vote. See chap. VI.]

1990/3. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolutions 39/15 of 23 November 1984, 41/95 of 4 December 1986 and 43/92 of 8 December 1988,

1. Expresses its appreciation to the Special Rapporteur, Mr. Ahmed Khalifa, for his updated report (E/CN.4/Sub.2/1990/13 and Add.1);

2. Expresses its thanks to all Governments and organizations which supplied the Special Rapporteur with information;

3. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution I.]

18th meeting
20 August 1990

[Adopted without a vote. See chap. VI.]

1990/4. Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that the Sub-Commission on Prevention of Discrimination and Protection of Minorities is a body of independent experts,

Recognizing also that under certain agenda items the Sub-Commission considers serious violations of specific human rights in countries,

Recalling the Advisory Opinion of the International Court of Justice of 15 December 1989, in particular paragraphs 43, 47, 50, 51, 52, 54 and 55, according to which experts' independence should be ensured in the interest of the United Nations,

Believing that situations of serious violations of human rights in countries which come before the Sub-Commission require the use of a secret ballot to strengthen the independence of the membership,

Bearing in mind, therefore, the opinions of the Legal Counsel of the United Nations dated 14 February 1984 and 30 July 1989,

Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

24th meeting
23 August 1990

[Adopted by 20 votes to 2, with 2 abstentions
see chap. IV.]

1990/5. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling, its resolution 1988/36 of 1 September 1988, by which it invited Mrs. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities,

Recalling also its resolution 1989/44 of 1 September 1989, by which it expressed appreciation to Mrs. Palley for her proposals, and entrusted Mr. Asbjørn Eide with the preparation of a further report on national experience in this field,

Expressing concern that throughout the world there are serious problems arising from inter-ethnic and inter-group conflicts, *Convinced* that the Sub-Commission can best contribute to preventing large-scale human rights problems in situations involving minorities by studying and promoting positive measures for the protection of minorities and for the peaceful and constructive solution of problems concerning them within the States in which they live,

Having considered the progress report submitted by Mr. Asbjørn Eide at its forty-second session (E/CN.4/Sub.2/1990/46),

Conscious of the complexity and diversity of national experience with minorities, the magnitude of the task of collecting and evaluating this experience, and the limited extent to which such information is currently available within the United Nations system,

1. *Expresses its deep appreciation* to the Special Rapporteur, Mr. Asbjørn Eide, for his informative and useful progress report;

2. *Endorses* the research methods proposed by Mr. Eide for the study in chapter V of his progress report;

3. *Affirms* the need to assign a high priority and adequate resources to the collection and evaluation of relevant information;

4. *Requests* the Secretary-General to transmit the questionnaire annexed to the above-mentioned report, as it might be supplemented and amended by the Special Rapporteur, on the basis of the views and comments made by the members of the Sub-Commission, to Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations for their comments, views and relevant information;

5. *Requests also* the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his study and to accomplish his work successfully;

6. *Requests further* the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-third session on the progress made in his study, and to consider including an analysis of information obtained in replies from Governments, specialized agencies, regional intergovernmental organizations, as well as from State reports submitted under international and regional human rights instruments, and to take into account also relevant decisions and recommendations by human rights bodies, in particular the decisions of the Human Rights Committee;

7. *Recommends* to the Commission on Human Rights the following draft resolution for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

24th meeting
23 August 1990

[Adopted without a vote. See chap. XIX.]

1990/6. Compensation for victims of gross violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/13 of 31 August 1989, by which it entrusted Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms,

Recalling further Commission on Human Rights resolution 1990/35 of 2 March 1990 and Economic and Social Council resolution 1990/36 of 25 May 1990, authorizing the Sub-Commission to entrust Mr. van Boven with the task of preparing his study,

1. *Takes note with appreciation* of the preliminary report, including the tentative outline annexed thereto, submitted by Mr. van Boven in accordance with the above-mentioned resolutions (E/CN.4/Sub.2/1990/10);

2. *Requests* Mr. van Boven to prepare for the Sub-Commission, at its forty-third session, a progress report on the subject matter, taking into account comments made in the discussion on the preliminary report, including the provisional plan for the study, at its forty-second session, as well as the relevant work and recommendations of the Committee on Crime Prevention and Control, as requested in Economic and Social Council resolution 1990/22 of 24 May 1990, and whatever relevant decisions which might be adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and for this purpose to undertake the necessary consultations with the United Nations Centre for Social Development and Humanitarian Affairs;

3. *Requests* the Secretary-General to provide all assistance required by the Special Rapporteur to carry out his study.

33rd meeting
30 August 1990

[Adopted without a vote. See chap. V.]

1990/7. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decision 1989/108 of 31 August 1989 in which it requested Ms. Fatma Zohra Ksentini to prepare a concise note setting forth the methods by which a study on human rights and the environment could be undertaken,

Taking note of Commission on Human Rights resolution 1990/41 of 6 March 1990, in which the Commission stressed the importance of the preservation of life-sustaining ecosystems to the promotion of human rights, welcomed Sub-Commission decision 1989/108, and requested the Secretary-General to keep the Preparatory Committee of the United Nations Conference on Environment and Development informed of the work in this field, *Taking note also* of General Assembly resolution 37/7 of 28 October 1982 proclaiming the World Charter for Nature, and the Stockholm Declaration of 16 June 1972,

Affirming the inextricable relationship between human rights and the environment,

Aware, as was the General Assembly in the Declaration it adopted in its resolution S/18-3 of 1 May 1990, of the importance of the elimination of poverty for the protection of the world's environment,

Recalling General Assembly resolution 44/228 of 22 December 1989, regarding the United Nations Conference on Environment and Development to be held in Brazil in 1992,

Aware of the need to identify new trends in international law relating to the human rights dimension of environmental protection,

Having considered carefully the concise note of Ms. Ksentini (E/CN.4/Sub.2/1990/12),

1. *Welcomes with appreciation* the concise note prepared by Ms. Ksentini;

2. *Entrusts* Ms. Ksentini with the task of preparing a study on human rights and the environment;

3. *Requests* Ms. Ksentini to present a preliminary report to the Sub-Commission at its forty-third session, with a view to making a timely contribution to the Preparatory Committee of the United Nations Conference on Environment and Development;

4. *Recommends* to the Commission on Human Rights the following draft resolution for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

33rd meeting
30 August 1990

[Adopted without a vote. See chap. V.]

1990/8. *Assassination of Professor Kazem Rajavi on political grounds*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming that everyone has the right to life, liberty and security of person,

Recalling article 3 of the Universal Declaration of Human Rights and article 6 of the International Covenant on Civil and Political Rights, Profoundly disturbed by the assassination in Coppet, Switzerland, on 24 April 1990 of Professor Kazem Rajavi, a former Iranian diplomat, living in exile in Switzerland,

Mindful that the late Professor Kazem Rajavi was a dedicated human rights defender and activist,

1. Pays tribute to Professor Kazem Rajavi's memory and praises his dedication and struggle for the promotion and protection of human rights and fundamental freedoms;

2. Condemns strongly the assassination of Professor Kazem Rajavi as well as every assassination or threat of assassination of political dissidents or other persons wherever they live, including in their own country;

3. Expresses the sincere wish that all facts and circumstances will be fully investigated and revealed with respect to this serious crime;

4. Also expresses the wish that the Special Representative on the situation of human rights in the Islamic Republic of Iran, Mr. Galindo Pohl, will include information available to him on this investigation in his next report.

34th meeting
30 August 1990

[Adopted without a vote. See chap. VII.]

1990/9. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Noting Commission on Human Rights resolution 1990/79 of 7 March 1990 and numerous earlier resolutions on the Islamic Republic of Iran, and Sub-Commission resolutions 10 (XXXIII) of 10 September 1981, 8 (XXXIV) of 9 September 1981, 1982/25 of 8 September 1982, 1983/14 of 5 September 1983, 1984/14 of 29 August 1984, 1985/17 of 29 August 1985, and, in particular, resolutions 1987/12 of 1 September 1987 and 1989/10 of 31 August 1989,

Considering numerous resolutions of the General Assembly and the Commission on Human Rights,

Deeply concerned at the deteriorating situation of human rights in the Islamic Republic of Iran since the visit by the United Nations Special Representative, Mr. Galindo Pohl, and at reports of the arrest, torture and execution of a large number of political and ordinary prisoners,

Concerned also at reports of grave violations of the right to equality of women,

Noting that the situation of the Bahá'í in the Islamic Republic of Iran continues to be uncertain,

1. *Expresses its deep concern* about the grave violations of human rights in the Islamic Republic of Iran, namely those related to the right to life, the right to freedom from torture and from cruel, inhuman and degrading treatment or punishment, the right to liberty and security of person, the right to a fair trial, and the right to freedom of thought, conscience, religion and expression, and urgently calls upon the Commission on Human Rights to convey its concern to the Islamic Republic of Iran;

2. *Expresses its grave concern* at the reports of the continuing wave of arrests and executions;

3. *Welcomes* the decision of the Government of the Islamic Republic of Iran to invite the Special Representative to visit that country and the co-operation provided by the Government of the Islamic Republic of Iran in the course of the visit, as well as its commitment to continue the co-operation;

4. *Expresses regret*, however, that serious obstacles appear to have been placed in the way of persons or groups which sought to provide information on violations of human rights;

5. *Requests* the Secretary-General to inform the Sub-Commission, at its forty-third session, of relevant reports by other Special Rapporteurs or bodies in the field of human rights, as well as of steps which have been and are being taken by the General Assembly, the Economic and Social Council and the Commission on Human Rights to prevent violations of human rights in the Islamic Republic of Iran;

6. *Decides* to consider the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Bahá'í, at its forty-third session.

34th meeting
30 August 1990

[Adopted by secret ballot by 14 votes to 5, with 5 abstentions. See chap. VII.]

1990/10. *Situation in South Africa*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa, adopted on 14 December 1989 by the General Assembly in its resolution S-16/1,

Recalling further Commission on Human Rights resolutions 1989/4 and 1989/5 of 23 February 1989, and 1990/26 of 27 February 1990,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce *apartheid*, *Welcoming* the recent positive developments in South Africa resulting from the policy measures introduced by the Government of South Africa following internal and international pressure,

Noting with concern that the institutionalized political pillars of *apartheid* have not been dismantled and are still intact,

Deeply concerned over the brutal repression, continued incarceration of political prisoners and political trial of opponents of *apartheid*,

Gravely concerned over the continued military co-operation between South Africa and some foreign Governments,

Noting further with grave concern the decision by some countries to lift or relax sanctions and other forms of pressure against South Africa when the pillars of *apartheid* are still in place,

Conscious of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression, occupation and oppression by the Pretoria régime,

Welcoming once again the establishment and launching of the Action for Resisting Invasion, Colonialism and *Apartheid* Fund (A/41/697-S/18392) at the Eighth Conference of the Heads of State or Government of Non-Aligned Countries,

1. *Reaffirms* that *apartheid* is a crime against humanity;

2. *Reaffirms further* the right of all persons to refuse service in military or police forces which are used to enforce *apartheid*;

3. *Condemns* the continued arrest, torture and killings of peaceful and defenceless demonstrators and workers on strike as well as the arbitrary arrest of leaders and activists of mass organizations;

4. *Insists* that South Africa immediately bring to an end its policy of destabilization against its neighbours, and halt all forms of support to the armed groups;

5. *Welcomes* the introduction of the policy measures by the Government of South Africa which have resulted, *inter alia*, in the unbanning of the African National Congress, the Pan Africanist Congress of Azania and other political parties; the release of Mr. Nelson Mandela and some political prisoners; and the partial lifting of the state of emergency;

6. *Reiterates the call* contained in the Declaration on *Apartheid* and its Destructive Consequences in Southern Africa adopted on 14 December 1989 by the General Assembly in its resolution S-16/1 for, *inter alia*, the unconditional release of all political prisoners and detainees by the Government of South Africa; the removal of all troops from the townships; the total lifting of the state of emergency and the repeal of all legislation designed to circumscribe political activity; and the cessation of all political trials and executions;

7. Urges all States to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;

8. Appeals to the South African Government not to proceed with the execution of the several opponents of apartheid, including the "Upington Fourteen", who have been on death row for more than two years;

9. Calls upon opponents of apartheid in South Africa to form a broad united front and demonstrate unity of purpose and concerted action for the elimination of apartheid and the establishment of a non-racial democratic South Africa;

10. Strongly urges the international community to maintain sanctions and other forms of international pressure against the Pretoria régime in order to compel it to eradicate apartheid;

11. Affirms that any relaxation of pressures on South Africa now is in violation of the Declaration on Apartheid and its Destructive Consequences in Southern Africa;

12. Calls upon the international community to continue its efforts aimed at the total economic, cultural and political isolation of the South African apartheid régime until that country abandons its policy of apartheid;

13. Strongly urges those Governments that have recently established or are contemplating the establishment of diplomatic relations and economic ties with South Africa to reconsider their decision;

14. Vigorously condemns all collaboration, particularly in the nuclear, military and economic fields, with the Government of South Africa.

34th meeting
30 August 1990

[Adopted without a vote. See chap. VII.]

1990/11. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Charter of the United Nations and the Universal Declaration of Human Rights,

Recalling its resolution 1989/6 of 31 August 1989,

Taking note of the fact that the Secretary-General, pursuant to Commission on Human Rights resolution 1990/80 of 6 July 1990 appointed Mr. Christian Tomuschat as his representative to consider the situation of human rights in Guatemala and to continue assistance to the Government in the field of human rights, Bearing in mind that, although the Government of Guatemala has taken legal measures to promote respect for human rights and fundamental freedoms and the functioning of democracy, situations characterized by violations by groups or sectors in authority persist,

Concerned about reports that serious violations of human rights, such as disappearances and extrajudicial executions, continue to occur, notwithstanding the efforts of the Government,

Concerned about the situation of the indigenous population, whose human rights and fundamental freedoms are being seriously violated,

Concerned also about the serious shortcomings in economic, social and cultural rights, which particularly affect the majority indigenous population in Guatemala, and about the lack of effective measures to improve this situation,

Aware that the refugees who are willing to return to Guatemala and are in their majority indigenous inhabitants require that the Government of Guatemala should intensify its efforts to create the conditions that will enable them to return to their places of origin, with full guarantees of their security and respect for the exercise of their human rights,

Taking note with gratitude of the commencement of talks between the various sectors of Guatemalan society and Guatemalan National Revolutionary Unity (URNG), talks which are being held under the auspices of the National Reconciliation Commission, with the presence of a representative of the Secretary-General of the United Nations and with the support of the Government of Guatemala,

Encouraged by the fact that the National Reconciliation Commission and Guatemalan National Revolutionary Unity (URNG), last March, signed the Oslo Agreement, whose objective is to achieve a political solution to the armed conflict and that, on 1 June 1990, the Guatemalan political parties and URNG signed the El Escorial Agreement, which recognizes the need to promote the incorporation of all forces and political and social sectors in order to perfect the democratic system, the full exercise of human rights, social justice and economic development; the need to stimulate a process of institutional revision and reform with the undertaking to promote the reform of the Constitution; and the will of the parties to promote political measures which will help to make feasible the incorporation of URNG within the national political process, in order that it may participate in the National Constituent Assembly to be established in 1991,

1. Exhorts the Government of Guatemala to intensify its efforts to ensure that the human rights and fundamental freedoms of its citizens are fully respected, to adopt and implement energetic measures to prevent violations of these rights and freedoms, to protect and promote the organizations which safeguard human rights, and to undertake investigations of violations of human rights;

2. Urges the Government of Guatemala to adopt practical measures to improve the economic, social and political conditions of the indigenous peoples, taking into account their petitions and proposals, together with all relevant international standards in this field;

3. Encourages the Government of Guatemala to continue to support the process of national reconciliation, and especially the talks between the various sectors of Guatemalan society and Guatemalan National Revolutionary Unity, organized by the National Reconciliation Commission with the aim of achieving a peaceful solution to the long process of confrontation which Guatemala has experienced;

4. Calls on all the parties concerned to continue the talks established under the Oslo Agreement, and to create the appropriate conditions for the achievement of national reconciliation and the cessation of armed actions contrary to that objective;

5. Deems it urgent that the Government of Guatemala should intensify its efforts to ensure that all authorities and security forces fully respect the human rights and fundamental freedoms of its citizens, in the conviction that this will help to generate the necessary climate of confidence for the round of talks currently under way;

6. Emphasizes the importance of the independence of the judicial system as a fundamental condition for effectively protecting human rights and ensuring that the persons responsible for violations are brought to trial and punished, and for complying with national legislation and international agreements;

7. Stresses the need to provide assistance in the field of human rights, both to the Government and to the Guatemalan non-governmental organizations that require it.

34th meeting
30 August 1990

[Adopted without a vote. See chap. VII.]

1990/12. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the United Nations in particular respect for the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the four Geneva Conventions of 1949, of the principles and provisions of international law and of the obligations arising from the regulations annexed to the Hague Convention IV of 1907 on the Laws and Customs of War on Land, *Noting* that all States parties to the Geneva Conventions of 1949 have undertaken to respect and to ensure respect for the Conventions under all circumstances,

Recalling all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel,

Recalling the relevant Security Council resolutions, specifically resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988 and 636 (1989) of 6 July 1989,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988 and on 18 and 19 August 1988 with respect to Israel's repeated violations of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949, and its refusal to apply its provisions in the occupied territories,

Affirming its previous resolutions in this respect,

Deeply alarmed at Israel's persistent refusal to respect the Fourth Geneva Convention and to apply it to the Palestinians in the occupied Palestinian territories, and at Israel's systematic and established violation of human rights over the past 23 years and its persistence in perpetrating massacres against the Palestinian people, as happened recently in Nahalin village on 13 April 1989 and in Rishon Letzion on 21 May 1990, and in the deportation and expulsion of Palestinian citizens,

1. *Reaffirms* that Israeli occupation itself constitutes a gross and systematic violation of human rights in the occupied Palestinian and other Arab territories, including Jerusalem, and an aggression under international law;

2. *Reaffirms* that the acts perpetrated by the Israeli occupation authorities of deliberate killing of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical safety, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews thereon and preventing their provision with food and medical supplies, firing gas bombs inside the houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, preventing new births by aborting pregnant women through severe beating and throwing gas bombs inside their homes, torturing Palestinian detainees, imposing collective punishment and administrative detention on thousands of Palestinians, expelling and deporting them outside their homeland, bringing great numbers of Jewish immigrants from all over the world and settling them in the occupied Palestinian territories, thus modifying the demographic character of those territories, closing schools and universities, desecrating holy places and demolishing houses, all such acts constitute grave violations of international law;

3. *Reaffirms* that the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that Israel's continued disregard and rejection of the provisions of this Convention constitute gross violations of the principles of international law which makes it the responsibility of the international community to provide protection for the Palestinian people under occupation in the light of the provisions of the said Convention, until the end of the Israeli occupation of the Palestinian territory;

4. *Calls upon* the States parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to apply article 1 of the Convention and to ensure respect by Israel for the Convention, and to secure protection for the Palestinian people under occupation in accordance with articles 9, 10, 11 and 12 of the Convention;

5. *Reaffirms once again* the right of the Palestinian people to resist the Israeli occupation by all means in accordance with United Nations resolutions and affirms that the intifada of the Palestinian people against occupation since 8 December 1987 is one such means confirming their determination to liberate their land of the Israeli occupation and exercise their national rights on their national soil;

6. *Reaffirms* the inalienable rights of the Palestinian people to return to their homeland, to self-determination without foreign interference, and the establishment of their independent sovereign State on their national soil in accordance with General Assembly resolutions;

7. *Condemns* Israel for:

(a) Its gross violations of the international conventions, rules of international law, and the Geneva Conventions of 1949 through its systematic and established practices mentioned herein, and calls upon Israel to desist therefrom forthwith and withdraw from the Palestinian and other Arab territories occupied by force, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Establishing Israeli settlements in the occupied Palestinian and other occupied Arab territories and calls for their dismantlement; it confirms that all measures taken by Israel with the purpose of altering the political, cultural, religious and other characters in the occupied Palestinian and other occupied Arab territories are illegal, null and void;

(c) Its continued occupation of the Syrian Arab Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and considers that the decision issued by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Arab Golan is null and void;

(d) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Arab Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Supports once again the call to convene an international peace conference on the Middle East with the participation of all parties to the conflict, including the Palestine Liberation Organization as an equal partner and the five permanent members of the Security Council in accordance with Security Council resolution 242 (1967) of 22 November 1967 and all General Assembly resolutions, and on the basis of the established rights of the Palestinian people, especially their right to self-determination and the withdrawal of the Israeli occupation forces from all occupied Arab territories, including Jerusalem;

9. Requests the Secretary-General to provide the Sub-Commission, at its forty-third session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the relevant United Nations decisions and resolutions, as well as with the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, and all other information relevant to the implementation of the present resolution.

34th meeting
30 August 1990

[Adopted by secret ballot by 18 votes to 1, with 4 abstentions. See chap. VII.]

1990/13. Situation in Iraq and in occupied Kuwait

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights and the international covenants on human rights,

Concerned by reliable reports of mass extrajudicial executions, enforced or involuntary disappearances and arbitrary detention in Iraq, as reflected in the report of the Special Rapporteur on Summary or Arbitrary Executions (E/CN.4/1990/22), the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1990/13) and specific and detailed reports of non-governmental organizations,

Concerned also by the situation of thousands of displaced Kurds living in camps in the north of Iraq, and the attacks on, and the forced displacement of, a part of the Shi'a population in the south, *Concerned further* by reliable reports that hundreds of Iraqis living in Kuwait and suspected of being opponents of the Iraqi Government were arrested following the invasion of Kuwait by Iraqi troops, and that thousands of foreign citizens in Iraq and Kuwait have been prevented from leaving those countries since the invasion,

1. *Expresses concern* at the situation of human rights and fundamental freedoms in Iraq;

2. *Urges* the Government of Iraq to ensure full respect for human rights and fundamental freedoms;

3. *Calls urgently upon* the Government of Iraq to allow all foreign nationals to leave Iraq and Kuwait immediately;

4. *Recommends* to the Commission on Human Rights that it study, at its forty-seventh session, the evolution of the situation of human rights and fundamental freedoms in Iraq, and consider the appointment of an individual of recognized international standing as special rapporteur with the mandate to examine the human rights situation in Iraq.

34th meeting
30 August 1990

[Adopted by secret ballot by 19 votes to 4, with 1 abstention. See chap. VII.]

1990/14. *Situation of human rights in El Salvador*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and article 3 common to the Geneva Conventions and Additional Protocol II thereto,

Considering that the Government of El Salvador is a signatory of numerous international conventions on human rights,

Bearing in mind that the Frente Farabundo Martí para la Liberación Nacional has the capacity and the will to assume the commitment of respecting the attributes inherent in the human person,

Welcoming the fact that, on 4 April 1990, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional agreed to conduct a process of dialogue with the aim of ending the armed conflict by political means as soon as possible, promoting the democratization of the country, guaranteeing unrestricted respect for human rights and reunifying Salvadorian society,

Observing that on 26 July, as part of this process, the parties reached a partial agreement on human rights at San José, Costa Rica, under which, *inter alia*, they pledged immediately to take all necessary actions and measures to avoid any type of act or practice prejudicial to the life, integrity, security and freedom of persons as well as to eliminate any form of disappearances and abductions and to give priority to investigating any cases of this kind which might occur in order to identify and punish the culprits,

Deeply concerned at the lack of substantial progress in conducting the judicial investigation into the cold-blooded mass murder of the Rector of the Central American University, five professors and two members of the domestic staff on 16 November 1989 by members of the armed forces and in punishing the culprits,

Regretting that, although the parties have reached a partial agreement on human rights, serious human rights violations requiring ongoing attention and vigilance by the United Nations continue to occur,

Noting with satisfaction that the two parties have agreed to determine, in the course of the present negotiations, the appropriate legal procedures and time-frame for releasing persons detained for political reasons,

Welcoming the fact that the parties have agreed to request the Secretary-General to dispatch a mission to verify the agreements on human rights, paying special attention to the observance of the rights to life, integrity and security of person, due legal process, personal freedom, freedom of expression and freedom of association, and in particular endeavouring to clarify any situation which appears to reveal a consistent practice of human rights violations and, as appropriate, to recommend to the party concerned by the matter appropriate measures for eliminating such a practice,

1. *Expresses its deep concern* over the persistent increase in the number of human rights violations being committed for political reasons in El Salvador and over the continued failure to observe the humanitarian rules of war;

2. *Welcomes* the fact that, in their efforts to resolve the present armed conflict, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional have concluded agreements and taken verification measures on human rights, since strict compliance with these rights is essential for guaranteeing a just and lasting peace;

3. *Urges* the immediate adoption of all necessary actions and measures, as were agreed, to avoid any type of act or practice prejudicial to the life, integrity, security and freedom of persons and to eliminate any form of disappearances and abductions, as well as to give priority to investigating any cases of this kind which might occur and identifying and punishing the culprits;

4. *Calls upon* the Government of El Salvador to take all necessary measures to continue the investigation into the foul murder of the Rector and another seven members of the Central American University with a view to punishing all those guilty of this crime, which has been condemned by the international community;

5. *Urges* the Government and the Frente Farabundo Martí para la Liberación Nacional, in addition to reaching an agreement on the priority subject of the armed forces, to endeavour to arrive at the other political agreements on human rights, the judicial system, the electoral system,

constitutional reform, economic and social problems and United Nations verification which they have agreed to be necessary to put an end to the armed conflict and to any act not respecting human rights;

6. Urges also the two Parties, as agreed, to determine as soon as possible the appropriate legal procedures and time-frame for releasing persons detained for political reasons;

7. Gives its full support and co-operation to the Secretary-General with a view to effectively realizing, at the earliest possible date, the verification mission on human rights in El Salvador which has been agreed to by the Government of that country and the Frente Farabundo Martí para la Liberación Nacional;

8. Recommends to the Special Representative of the Commission on Human Rights, in his report to the General Assembly, to place special emphasis on verifying whether the commitments and measures set out in the agreement on human rights signed by the two parties on 26 July 1990 have been implemented;

9. Urges the parties to give their fullest support to the United Nations mission, providing it with all the facilities that it requires to perform its functions and complying promptly with recommendations made to it by the mission;

10. Decides to consider the situation of human rights in El Salvador at its forty-third session.

34th meeting
30 August 1990

[Adopted without a vote. See chap. VII.]

1990/15. Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Noting the changing international situation which is conducive to dialogue and negotiations as the most appropriate way of resolving local, national and inter-State disputes in order to guarantee full respect for human rights,

Recalling General Assembly resolution 37/30 of 23 November 1982 and the unanimous Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Recalling its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987 and 1989/7 of 31 August 1989 concerning the situation in East Timor, Considering that according to reliable allegations, the people of East Timor continue to be subjected to gross violations of human rights,

Regretting the restrictions imposed by local military authorities upon the activities of specialized non-governmental organizations,

1. Welcomes the good offices of the Secretary-General and encourages their exercise as mandated by General Assembly resolution 37/30 of 23 November 1982 with a view to exploring the avenues for finding a settlement guaranteeing full respect for human rights in East Timor;

2. Requests the Indonesian authorities to facilitate the access to the territory of international humanitarian and development organizations;

3. Appeals to all sides to exercise restraint and, guided by the spirit of dialogue and negotiations, to co-operate fully with the Secretary-General in the exercise of his good offices with a view to finding a durable settlement of the conflict;

4. Recommends to the Commission on Human Rights that it consider, at its forty-seventh session, the situation pertaining to human rights and fundamental freedoms in East Timor and, to this purpose, asks the Secretariat to transmit to the Commission all the reliable information received.

34th meeting
30 August 1990

[Adopted by secret ballot by 14 votes to 9, with 1 abstention.
See chap. VII.]

1990/16. Realization of economic, social and cultural rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling that the Universal Declaration of Human Rights provides that all persons are entitled to the realization of the economic, social and cultural rights which are indispensable to their dignity and the free development of their personality,

Convinced that, in accordance with the Universal Declaration of Human Rights, the Proclamation of Teheran and General Assembly resolution 32/130 of 16 December 1977, equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Concerned that the implementation and promotion of economic, social and cultural rights and the obstacles to their realization have not yet received sufficient attention within the framework of the United Nations system,

Conscious of the need to secure full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights, particularly the rights of the most disadvantaged, *Conscious also* that the implementation of efficient measures to promote enjoyment of all human rights and fundamental freedoms requires a better understanding of extreme poverty and its effects on the exercise of human rights,

Taking into account Commission on Human Rights resolution 1990/17 of 23 February 1990, by which the Commission requested the Special Rapporteur to give priority to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged, and decided to consider the issue again at its forty-seventh session,

Convinced of the need to consider more effective and practical measures for the fuller realization of economic, social and cultural rights, which take into account recent developments in the world economic and social situation as well as in international law,

1. *Expresses its appreciation* to the Special Rapporteur, Mr. Danilo Türk, for the preparation of his progress report (E/CN.4/Sub.2/1990/19);

2. *Endorses* the preliminary recommendations made in that progress report (*ibid*., para. 218);

3. *Requests* the Special Rapporteur to prepare a second progress report on the realization of economic, social and cultural rights, taking into account all comments made in the discussion on the progress report at the forty-second session of the Sub-Commission;

4. *Encourages* the Special Rapporteur to establish direct contact with international financial institutions as well as United Nations agencies utilizing social and economic data and indicators relevant to the current study;

5. *Requests* the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the successful completion of his task and to make available to the Special Rapporteur the necessary input assistance in order to help him analyse the data collected;

6. *Invites* the Commission on Human Rights at its forty-seventh session, to consider requesting the Secretary-General to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights;

7. *Decides* to consider the above-mentioned progress report at its forty-third session under a separate agenda item entitled "The realization of economic, social and cultural rights".

34th meeting
30 August 1990

[Adopted without a vote. See chap. IX.]

1990/17. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Considering that mass population movements, particularly where induced or conducted by government authorities, invariably have serious consequences for the enjoyment of the human rights of the populations affected,

Recalling the Universal Declaration of Human Rights, in particular the right to freedom of movement and the right to choose one's residence (art. 13), the right to an adequate standard of living (art. 25) and the right to security of persons (art. 3),

Mindful of General Comment No. 2 (1990) of the United Nations Committee on Economic, Social and Cultural Rights which provides, *inter alia*, that "... international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons ...",

Noting with interest the adoption by the World Bank of guidelines and operational directives concerning the involuntary resettlement of people,

Conscious that the transfer of people may be motivated by strategies aimed at reshaping the demographic composition of particular territories,

Disturbed by reports concerning the implantation of settlers and settlements in certain countries, including in particular occupied territories, with the aim of changing the demographic structure and the political, cultural, religious and other characteristics of the countries concerned,

Considering that the policy and practice of the implantation of settlers and settlements can constitute a serious violation of human rights of the original inhabitants of the countries concerned as well as of the settlers themselves,

Also conscious that this practice is often a significant factor in ethnic conflicts and unrest which contribute to further social, economic, political and cultural instability,

Concerned that the movement of people is often achieved either without free and informed consent of those people being moved or without the consent of those people into whose territory they are being moved,

Decides to consider the matter, especially the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements, at its future sessions under the agenda item "The realization of economic, social and cultural rights".

34th meeting
30 August 1990

[Adopted without a vote. See chap. IX.]

1990/18. Right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/27 of 1 September 1989, appointing Mr. Stanislav Chernichenko and Mr. William Treat to prepare a report on the right to a fair trial,

Recalling also Commission on Human Rights decision 1990/108 of 7 March 1990, welcoming the appointment of the two Sub-Commission members to prepare the report,

1. Takes note with appreciation of the brief report prepared by Mr. Stanislav Chernichenko and Mr. William Treat in accordance with its resolution 1989/27 (E/CN.4/Sub.2/1990/34);

2. Takes note of the recommendations made in that brief report (ibid., paras. 146-153);

3. Decides to entrust Mr. Chernichenko and Mr. Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening";

4. Requests the Secretary-General to provide the two Special Rapporteurs with all the assistance they may require;

5. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

34th meeting
30 August 1990

[Adopted without a vote. See chap. XI.]

1990/19. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983 in which the Commission requested the Sub-Commission to give further consideration to the study on the implications for human rights of situations known as states of siege or emergency submitted by Mrs. Nicole Questiaux (E/CN.4/Sub.2/1982/15),

Recalling further that in the same resolution the Commission on Human Rights requested the Sub-Commission to propose measures which would ensure respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency exist, especially of the rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, which prohibits derogation from certain rights even in time of public emergency, *Recalling* Economic and Social Council resolution 1985/37 of 30 May 1985, Commission on Human Rights resolution 1983/18 of 22 February 1983 and Sub-Commission resolution 1983/28 of 6 September 1983, concerning the question of human rights and states of emergency,

Recalling that, by its resolution 1985/32 of 30 August 1985, the Sub-Commission requested Mr. Leandro Despouy to draw up and update a list of countries which proclaim or terminate a state of emergency each year and to prepare an annual report containing reliably attested information on compliance with the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Having noted, during the work of its thirty-eighth, thirty-ninth, fortieth, forty-first and forty-second sessions, the importance for the effective enjoyment of human rights of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of the state of emergency,

Noting with interest the usefulness, indicated by several speakers, of the provision by the Special Rapporteur and the secretariat of technical assistance to States requesting it under the programme of advisory services in the field of human rights,

Having noted the need to strengthen the observance of all the non-derogable human rights, as well as the legal guarantees enabling a remedy to be sought from the competent authorities,

Having noted further that, in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are taken without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

Noting, in addition, the increased co-operation of Governments with the Special Rapporteur and the need to continue to analyse the information received by the Rapporteur with the greatest care,

1. *Expresses its deep appreciation* to the Special Rapporteur and in particular its satisfaction with his third annual updated report and with the list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985 (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1);

2. *Expresses its appreciation also* to Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status which have submitted their information and comments to the Special Rapporteur on the question of human rights and states of emergency;

3. *Invites* Governments, competent organs of the United Nations, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council to provide further information to the Special Rapporteur;

4. Invites Governments to limit the introduction of states of emergency exclusively to situations which are sufficiently serious and exceptional to justify them, particularly in the case of internal unrest, in order to avoid making the use of states of emergency commonplace and thus possibly perpetuating them;

5. Recognizes the fundamental importance of the existence, in each country, of specific and effective national legislation enabling such situations to be dealt with in a manner conforming to international norms, invites Governments which have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency and requests the Special Rapporteur to continue his work with the aim of submitting to the Sub-Commission draft standard provisions on emergency situations, including situations of internal unrest;

6. Requests the Secretary-General, under the programme of advisory services in the field of human rights, to give consideration to the technical assistance which might be furnished by the Special Rapporteur or by the secretariat to States requesting it;

7. Invites the Special Rapporteur to continue the work with which he has been entrusted and to submit to the Sub-Commission, at its forty-third session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its forty-seventh session, has before it the most recent and accurate information available;

8. Requests the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully, in particular to respond in an effective way to the information submitted to him;

9. Decides to examine the updated report and list transmitted by the Special Rapporteur as a matter of priority under the agenda item entitled "The administration of justice and the human rights of detainees: (b) Question of human rights and states of emergency";

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 1.]

34th meeting
30 August 1990

[Adopted without a vote. See chap. XI.]

1990/20. Violations of the human rights of staff members and other persons acting under the authority of the United Nations

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Gravely concerned that a significant number of staff members and other persons acting under the authority of the United Nations have been, over the years, detained, unaccounted for or subjected to other violations of their fundamental rights contrary to the Charter of the United Nations and other international instruments,

Recalling the relevant resolutions on this subject, in particular General Assembly resolutions 42/219 of 21 December 1987, 43/225 of 21 December 1988 and 44/186 of 19 December 1989, Commission on Human Rights resolutions 1989/28 of 6 March 1989 and 1990/31 of 2 March 1990 and Sub-Commission resolutions 1987/21 of 3 September 1987, 1988/9 of 31 August 1988 and 1989/30 of 1 September 1989,

Recalling further the recommendations of the Administrative Committee on Co-ordination adopted in 1987,

Deploring the persistence of violations of the fundamental rights of staff members and other persons acting under the authority of the United Nations and the continuous threats against their security and independence, in spite of these resolutions,

Conscious that human rights violations can only have a negative effect on the implementation of the mandates of the United Nations, especially at a time when the Organization is being called upon to undertake greater responsibilities in various parts of the world,

Noting with grave concern that, according to reliable reports, the health of detained officials has in some cases seriously deteriorated during their period of detention,

Preoccupied by the inordinate delays which different organizations of the United Nations system face when trying to exercise fully the right of functional protection of their staff members,

Greatly appreciating the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind, and noting that these efforts have already produced concrete results to ensure the security of international civil servants or to settle in a satisfactory way some cases,

1. Urges again Governments and other entities holding de facto territorial power to respect and to ensure respect for the rights of staff members and others acting under the authority of the United Nations, and their families;

2. Requests the Secretary-General to redouble his efforts to ensure that the human rights and privileges and immunities of the personnel of the United Nations system and their families, including experts and consultants, are fully respected;

3. _Urges_ Governments and other entities holding _de facto_ territorial power to allow physicians to investigate cases in which the health of the personnel of the United Nations system and experts and their families being detained is reported to have suffered and to permit the necessary medical treatment to be made available through a physician agreed upon by the United Nations, inasmuch as possible of their own choosing;

4. _Also urges_ Governments and other entities holding _de facto_ territorial power, in accordance with the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly in resolution 43/173 of 9 December 1988, to provide adequate and prompt information concerning the arrest or detention of United Nations staff members and their families, and to grant the representative of the competent international organization access to them without delay;

5. _Calls upon_ Governments and other entities detaining personnel of the United Nations system to allow the representative of the competent international organization to attend any hearing concerning them and their families;

6. _Requests_ Member States, the Secretary-General, and the heads of secretariat of the specialized agencies who have not yet done so, including the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, to communicate all information concerning cases of arrest, detention, or abduction of officials of the United Nations or the specialized agencies, since 1980, in order to enable the Special Rapporteur to complete the mission assigned to her;

7. _Expressed its appreciation_ to Mrs. Bautista for her updated report (E/CN.4/Sub.2/1990/28) on the violations of human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of these violations on the functioning of the United Nations organs and agencies;

8. _Invites_ Mrs. Bautista to continue her study so as to submit to the Sub-Commission, at its forty-third session, a final version of the report as well as practical recommendations for the improvement of the protection of personnel of the United Nations system and their families, including experts and consultants.

34th meeting
30 August 1990

[Adopted without a vote. See chap. XI.]

1990/21. _Application of international standards concerning the human rights of detained juveniles_

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/31 of 1 September 1989, by which it decided to appoint Ms. Mary Concepción Bautista to prepare a report on the application of international standards concerning the human rights of detained juveniles, *Considering* that in March 1990, questionnaires were sent to Governments and non-governmental organizations to elicit information relevant to the preparation of this report,

Noting that the replies received from Governments and non-governmental organizations could not be incorporated into the preliminary report, for lack of sufficient time to do so,

Convinced that this matter deserves continued attention and that additional information should be sought from Governments and non-governmental organizations,

1. *Requests* the Secretary-General to circulate the questionnaire prepared by Ms. Bautista to the widest possible range of Governments, specialized agencies and non-governmental organizations, at the earliest possible time, so that the replies can be included in a report to be submitted at its forty-third session;

2. *Decides* to extend the mandate of Ms. Bautista, in accordance with its resolution 1989/31, until its forty-third session.

34th meeting
30 August 1990

[Adopted without a vote. See chap. XI.]

1990/22. *Question of human rights of persons subjected to any form of detention and imprisonment: report of Mr. Louis Joinet*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1985/16 of 11 March 1985, in which it requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to analyse available information concerning the practice of administrative detention without charge or trial and to make appropriate recommendations to the Commission, and resolution 1989/38 of 6 March 1989, as well as decision 1990/107 of 7 March 1990, in which the Commission again invited the Sub-Commission to make any recommendations it deems necessary,

Recalling its own decision 1989/111 of 1 September 1989 in which it expressed its appreciation for the excellent report on the practice of administrative detention submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1989/27) and decided to examine the proposals to the Commission on Human Rights contained therein and his revised report as a matter of high priority at its forty-second session,

Having examined the revised report of Mr. Joinet (E/CN.4/Sub.2/1990/29) and the revised recommendations to the Commission on Human Rights (E/CN.4/Sub.2/1990/29/Add.1),

1. *Again expresses its appreciation* to Mr. Louis Joinet for the revised report on the practice of administrative detention;

2. Endorses the revised recommendations to the Commission on Human Rights;

3. Transmits to the Commission on Human Rights the recommendations made by the Special Rapporteur and endorsed by the Sub-Commission;

4. Invites the Commission to consider the different proposals contained in the recommendations, for the purpose of either acting upon one of them, if it so chooses, or requesting the Sub-Commission to elaborate further upon the proposal which the Commission deems the most appropriate;

5. Requests the Secretary-General to inform the Sub-Commission, at its forty-third session, of the action taken by the Commission pursuant to this resolution;

6. Decides to consider the issue of arbitrary or abusive detention under the agenda item entitled "Question of human rights of persons subjected to any form of detention and imprisonment", at its forty-third session, in light of the action taken by the Commission on Human Rights.

34th meeting
30 August 1990

[Adopted without a vote. See chap. XI.]

1990/23. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Recalling Commission on Human Rights resolution 1989/32 of 6 March 1989, by which the Commission requested that the Sub-Commission consider effective means to monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers,

Recalling also its own resolution 1989/22 of 31 August 1989, by which it invited Mr. Louis Joinet to prepare a working paper on means by which the Sub-Commission could monitor the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers as requested in Commission on Human Rights resolution 1989/32,

Recalling further Commission on Human Rights resolution 1990/33 of 2 March 1990, by which the Commission endorsed Sub-Commission resolution 1989/22 and requested the Sub-Commission to study the working paper with a view to recommending initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers,

1. Calls on Governments to strengthen the independence of the judiciary and the protection of practising lawyers;

2. *Takes note with appreciation* of the working paper (E/CN.4/Sub.2/1990/35) prepared by Mr. Joinet in accordance with Sub-Commission resolution 1989/22 and Commission on Human Rights resolution 1990/33;

3. *Endorses* the recommendations made in that working paper (*ibid*., para. 76);

4. *Decides* to entrust Mr. Joinet with the preparation of a report:

(a) To make a system-wide analysis of the advisory service and technical assistance programmes of the United Nations as regards the independence of the judiciary and the protection of practising lawyers, propose means by which the co-operation between the programmes could be enhanced, and set forth guidelines and criteria to be taken into account in the provision of these services;

(b) To bring to the attention of the Sub-Commission information on legislative or judicial measures or other practices which have served to strengthen or to undermine the independence of the judiciary and the protection of practising lawyers in accordance with United Nations standards;

5. *Requests* the Secretary-General to provide the Rapporteur with all the assistance necessary for the completion of his task;

6. *Requests* the Secretary-General to transmit this resolution to Governments, intergovernmental and non-governmental organizations, including professional associations of judges and lawyers, requesting specific information on measures taken to strengthen the independence of the judiciary and lawyers or on practices which have undermined this independence;

7. *Decides* to consider the above-mentioned report at its forty-third session under the agenda item entitled "Independence and impartiality of the judiciary and the independence of lawyers";

8. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution VI.]

34th meeting
30 August 1990

[Adopted without a vote. See chap. XII.]

1990/24. *Encouragement of universal acceptance of human rights instruments*

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1 B (XXXII) of 5 September 1979, 19 (XXXIV) of 10 September 1981, 1982/3 of 7 September 1982, 1983/27 of 6 September 1983, 1984/36 of 30 August 1984, 1985/5 of 27 August 1985, 1988/30 of 1 September 1988 and its decision 2 (XXXIII) of 11 September 1980 on the encouragement of universal acceptance of human rights instruments, Having considered the note by the Secretary-General (E/CN.4/Sub.2/1990/38) on the question, in which it is stated, inter alia, that no additional information has been received from States pursuant to Sub-Commission resolution 1 B (XXXII) since the Sub-Commission's fortieth session,

Convinced that attaining universal acceptance and implementation of international instruments in the field of human rights is of primary importance for the protection and promotion of human rights,

1. Decides to include the Convention on the Rights of the Child in the list of human rights instruments under paragraph 1 of Sub-Commission resolution 1 B (XXXII), as complemented by its resolutions 1982/3, 1983/27, 1984/36 and 1985/5;

2. Expresses its appreciation for the programme of advisory services in the field of human rights by which the ratification of, or accession to, the international instruments on human rights have been accelerated;

3. Requests the Secretary-General further to promote the said programme so that practical assistance in the process of ratification and implementation of international instruments on human rights be available for those States which indicate a need for such assistance;

4. Requests the Secretary-General to renew the invitation for submission of information contained in his earlier notes verbales to the Governments of Member States which have not yet replied to those communications, making particular reference to the human rights instruments to which those Governments have not yet become party and drawing the attention of each Government to the instruments which it has already signed but not ratified;

5. Requests also the Secretary-General to continue holding informal discussions concerning prospects for ratification of human rights instruments with government delegations on the occasion, for example, of the sessions of the General Assembly and the Commission on Human Rights, priority being given to the instruments prepared by the Commission on Human Rights such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the First Optional Protocol to that Covenant, the International Convention on the Elimination of all Forms of Racial Discrimination; the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child;

6. Requests further the Secretary-General to continue to inform the Sub-Commission, as appropriate, on his endeavours under the present resolution and to update the table containing a country-by-country record of developments which have taken place in connection with the ratification of, or accession to, the human rights instruments included in the terms of reference of the Sub-Commission;

7. Decides to request the Chairman of the Sub-Commission to appoint, prior to its forty-fourth session, one of its members to report to it at that session on information received under the present resolution, to analyse

difficulties impeding ratification of, or accession to, the above-mentioned instruments and to assess the programme of advisory services in the field of human rights with a view to further encouraging universal acceptance of human rights instruments;

8. Decides to continue the consideration of the agenda item entitled "Encouragement of universal acceptance of human rights instruments" at its forty-fourth session and at subsequent alternate sessions of the Sub-Commission.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XV.]

1990/25. Ownership and control of the cultural property of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the past and continuing destruction and confiscation of indigenous peoples' skeletal remains, burial artifacts and other objects of religious and cultural significance which has accompanied the colonization of indigenous territories and resources,

Aware also of extensive international traffic in indigenous cultural property and of the inappropriate display of items of considerable religious and cultural significance to indigenous peoples in the collections of museums, universities and other institutions, public and private, throughout the world,

Deeply concerned that the denial to indigenous peoples of the ownership and control of these items causes them considerable anguish, undermines the revitalization and strengthening of their cultures and traditions and interferes with the pursuit of their political, economic, social, religious and cultural development in conditions of freedom and dignity,

Noting with concern the lack of response by most institutions to the repeated and longstanding requests of indigenous peoples for the return of their skeletal remains, burial artifacts and other objects of religious and cultural significance,

Greatly appreciating, however, recent instances of the voluntary return of indigenous peoples' skeletal remains by a number of institutions of international standing,

Appreciating also the efforts of organizations such as the United Nations Educational, Scientific and Cultural Organization in documenting the locations of the cultural property of indigenous peoples in collections throughout the world,

Noting with interest the announcement by the Government of Australia to the eighth session of the Working Group on Indigenous Populations of the development of a national position and strategy for the return of significant indigenous cultural material, particularly skeletal material, from overseas collections, *Noting* the provisions contained in the working text of the draft universal declaration on the rights of indigenous peoples as contained in annex II to the report of the Working Group on Indigenous Populations on its eighth session (E/CN.4/Sub.2/1990/42), in particular, the rights of indigenous peoples to protection against ethnocide and cultural genocide (*ibid*., para. 5), to preserve their cultural identity and traditions and to pursue their own cultural development, including the rights to control and maintain the manifestations of their cultures (*ibid*, para. 6), and to manifest, teach, practise and observe their own spiritual traditions, customs and ceremonies, to maintain, protect and have access in privacy to sacred sites, ceremonial implements, natural materials and burial grounds for these purposes, and the right to the repatriation of human remains (*ibid*., para. 8),

1. *Requests* all individuals and all museums, universities and other institutions, public and private, to prepare comprehensive lists of all indigenous peoples' skeletal remains, burial artifacts and other items of religious and cultural significance to indigenous peoples which are in their possession and to disseminate these lists widely among indigenous peoples;

2. *Requests also* all such individuals and institutions to start negotiations with indigenous owners with a view to returning their items to them;

3. *Recommends* that Governments take necessary and effective steps so that all individuals and all museums, universities and other institutions, public and private, return, at the earliest possible time, the ownership and control of all indigenous peoples' skeletal remains, burial artefacts and other items of religious and cultural significance to indigenous peoples which are in their possession to their indigenous owners;

4. *Entrusts* Ms. Erica-Irene Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the Working Group on Indigenous Populations at its ninth session;

5. *Requests* all organs and organizations of the United Nations system with relevant expertise, including the United Nations Educational, Scientific and Cultural Organization, to provide Ms. Daes with the information and assistance she may require for the completion of this task;

6. *Requests* the Secretary-General to give to Ms. Daes all the assistance she may require to carry out her work successfully.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVI.]

1990/26. Draft universal declaration of indigenous rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1985/22, by which it endorsed the decision of the Working Group on Indigenous Populations to emphasize its standard-setting activities, with the aim of producing a draft declaration on indigenous rights which may be proclaimed by the General Assembly,

Recalling also its resolution 1989/34 of 1 September 1989, by which it endorsed the proposal to invite Governments and indigenous peoples' organizations to participate in informal, in-sessional and open-ended drafting groups to seek agreement on recommendations which might be made for consideration by the Working Group, and recommended that the Working Group be authorized to meet for 10 working days prior to the forty-second and forty-third sessions of the Sub-Commission for this purpose,

Taking note that the Economic and Social Council, by its decision 1990/238 of 25 May 1990, authorized the Working Group to meet for 10 serviced meetings in the 10 working days prior to the forty-second session of the Sub-Commission, for the purpose of intensifying its efforts to complete the draft declaration, in consultation with interested Governments and organizations of indigenous peoples,

Believing that the Working Group can best fulfil its standard-setting task with the greatest possible direct participation of and consultation with interested Governments and organizations of indigenous peoples, and that this will require efforts to increase the accessibility of the sessions of the Working Group to indigenous peoples from the developing countries,

Reaffirming the decision of the Working Group, at its first session, that its working languages are Spanish and English,

Recognizing the importance of ensuring that the activities of the Working Group are better known in every country, in accordance with Commission on Human Rights resolution 1983/23 of 4 March 1983, and welcoming in this regard the publication of a fact sheet on the rights of indigenous peoples as part of the World Campaign for Human Rights,

Having examined with satisfaction and appreciation the analytical commentary on the first revised text of the draft declaration (E/CN.4/Sub.2/1990/39), which was prepared by the Chairman/Rapporteur of the Working Group, Ms. Daes, as well as the report and recommendations of the Working Group on its eighth session (E/CN.4/Sub.2/1990/42),

Convinced of the urgent need to promote and protect the rights of indigenous peoples by means of a continued and comprehensive review of developments in this field, as well as through the evolution of standards, particularly by means of the preparation of a draft declaration,

1. Expresses its appreciation to the Working Group, and especially to its Chairman/Rapporteur, Ms. Daes, for the progress made at its eighth session in carrying out its standard-setting mandate, with particular reference to its

adoption of more comprehensive working drafts of the declaration of the rights of indigenous peoples, in consultation with Governments and organizations of indigenous peoples (E/CN.4/Sub.2/1990/42, annexes);

2. Expresses its deep satisfaction with the continued constructive participation of observers for Governments, indigenous peoples, specialized agencies and non-governmental organizations, in the annual sessions of the Working Group;

3. Endorses the working methods adopted by the Working Group at its eighth session, including the establishment of informal drafting groups, and the facilitation of a dialogue between indigenous peoples, members of the Working Group and Governments on developments in various parts of the world;

4. Encourages Governments and indigenous peoples to meet together at the national and regional levels, with the aim of seeking understanding and agreement on the principles which are contained in the draft declaration;

5. Welcomes the contributions made by Governments, indigenous peoples and non-governmental organizations to the United Nations Voluntary Fund for Indigenous Populations, which was able to facilitate the participation of a significant number of representatives of indigenous peoples in the eighth session of the Working Group, and encourages continued and increased support for the activities of the Fund;

6. Recommends that the Board of Trustees of the Voluntary Fund give priority to applications for assistance from indigenous organizations in the developing countries;

7. Appeals to Governments, indigenous peoples, and non-governmental organizations to consider also making contributions to the Voluntary Fund for Advisory Services in the Field of Human Rights, to support training courses and informational activities aimed at preparing indigenous peoples' organizations to play a more effective role in the Working Group;

8. Requests the Secretary-General:

(a) To transmit the report of the Working Group to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both Spanish and English;

(c) To prepare a brief note on the financial implications of convening one or more of the future sessions of the Working Group in Latin America or Asia, for consideration by the Working Group at its ninth session;

(d) To organize a regional training course in Latin America on the United Nations, human rights and indigenous peoples, as a matter of the highest priority and in accordance with Sub-Commission resolution 1989/35, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations;

(e) To give all necessary assistance to the Working Group in discharging its tasks, including the more effective dissemination of information about its activities to indigenous peoples in every country to encourage their wider participation;

9. Recommends that the Chairman-Rapporteur of the Working Group, Ms. Daes, be entrusted with the task of preparing an extensive analytical commentary on the articles of the draft declaration, based on her first revised text, the reports of the informal drafting groups, the debate at the eighth session of the Working Group, the written observations received in accordance with paragraph 8 (a) above, existing international human rights instruments and other available comments;

10. Welcomes the assistance provided by the United Nations Centre on Transnational Corporations, in accordance with Sub-Commission resolution 1989/35, in compiling information on investments and operations on the lands of indigenous peoples, including lands currently in dispute, and encourages the widest possible participation in this study;

11. Reiterates its recommendation that the reports of the Working Group should be made available to the Commission on Human Rights at each of its sessions;

12. Decides to examine these issues at its forty-third session as a matter of high priority, under the item entitled "Discrimination against indigenous peoples";

13. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 2].

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVI.]

1990/27. Economic and social relations between indigenous peoples and States

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming its resolution 1989/35 of 1 September 1989, by which it recommended that the Secretary-General be authorized to consider requests from indigenous peoples' organizations for technical assistance in the fields of human rights, development and the environment,

Recalling also its decision 1989/112 of 1 September 1989, by which it recommended the agenda and working methods for the meeting of experts on indigenous self-government, which was authorized by General Assembly resolution 42/47 of 30 November 1987, *Recalling* that by its decision 1990/238 of 25 May 1990 the Economic and Social Council approved the convening of a United Nations technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples,

Noting the preparations which are being made for the United Nations Conference on Environment and Development, to be convened in 1992,

Guided by the conclusions and recommendations of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States (E/CN.4/1989/22),

Mindful of the provisions of Convention No. 169 of the International Labour Organisation, in particular with regard to the right of indigenous peoples to control their own economic, social and cultural development,

Convinced that a principal means of strengthening indigenous peoples' enjoyment of their fundamental rights, in accordance with the Declaration on the Right to Development, is to increase their direct participation in the planning, implementation and benefits of all forms of development which may affect them,

Convinced also that exchanges of practical experiences and examples, through seminars and meetings involving experts from both Governments and indigenous peoples' organizations, will help promote the wider adoption of successful measures for the realization of indigenous peoples' rights, and mobilize international co-operation for this purpose,

Conscious that indigenous peoples occupy and use many of the world's most fragile ecosystems, depend upon these ecosystems for their survival and development, and possess irreplaceable knowledge of them,

Believing that indigenous peoples must play a central role as users and managers of such ecosystems,

Having examined with interest the report and relevant recommendations of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42),

1. *Recommends* that the United Nations Conference on Environment and Development provide indigenous peoples' organizations with effective means of participating directly in its work, and that any new conventions which may be adopted regarding biodiversity, or conserving renewable resources, provide explicitly for the role of indigenous peoples as resource users and managers, and for the protection of indigenous peoples' right to control of their own traditional knowledge of ecosystems;

2. *Invites* the Special Rapporteur on human rights and the environment, Ms. Ksentini, to take into account the special relationship between fragile habitats and indigenous peoples, especially with respect to sustainability, and also invites the Special Rapporteur on compensation for human rights violations, Mr. van Boven, to address indigenous concerns in his forthcoming reports to the Sub-Commission;

3. Requests the Secretary-General:

(a) To convene, as soon as possible, the meeting of experts on indigenous self-government, and the technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples, and to include indigenous experts among the invitees in accordance with existing practice;

(b) To bring this resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development and the chairman of the Preparatory Committee for the Conference, drawing their attention in particular to the recommendations contained in paragraph 1, and invite them to indicate what steps they may be able to take in accordance with those recommendations;

(c) To arrange for the Centre for Human Rights to enter into discussions with United Nations operational programmes in development and environment, regarding possible mechanisms and guidelines for promoting the rights of indigenous peoples through their direct participation in the planning and implementation of projects;

(d) To invite the World Intellectual Property Organization to prepare, in consultation with other appropriate specialized agencies and indigenous peoples' organizations, recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session;

(e) To submit a report to its forty-third session on the measures taken to implement the present resolution, and on the results achieved.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVI.]

1990/28. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Sub-Commission on Prevention of Discrimination and Protection of Peoples,

Having examined the report of its Working Group on Indigenous Populations on its eighth session (E/CN.4/Sub.2/1990/42), in particular the working paper and questionnaire submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez (ibid., annex VI),

1. Takes note of the working paper and questionnaires submitted by the Special Rapporteur;

2. Requests the Secretary-General to submit the above-mentioned questionnaires to all Governments, intergovernmental organizations and non-governmental organizations, as well as to indigenous organizations and/or representatives of indigenous peoples who have attended the sessions of its

Working Group, requesting them to submit to the Special Rapporteur any information they would consider useful for the report not later, if possible, than 30 April 1991;

3. Requests the Special Rapporteur to submit a preliminary report on his study to the Working Group at its ninth session and to the Sub-Commission at its forty-third session;

4. Requests the Secretary-General to provide the Special Rapporteur with all the necessary assistance to carry out his study, in particular the necessary consultancy originally foreseen, and a study trip to both Washington and Seville.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVI.]

1990/29. International year of the world's indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its recommendation, in its resolution 1988/19 of 1 September 1988, that an international year for the promotion of indigenous rights be proclaimed in 1993,

Recalling also its resolution 1989/36 of 1 September 1989, by which it entrusted two of its members, Mr. Eide and Ms. Mbonu, with the task of preparing a working paper on possible United Nations activities for an international year for indigenous rights, with an explicit focus on the development process and on promoting international co-operation with indigenous peoples,

Taking note of the recommendation by the Economic and Social Council, in its decision 1990/248 of 25 May 1990, that the General Assembly proclaim an international year for the world's indigenous people,

Having examined with appreciation the working paper prepared by Mr. Eide and Ms. Mbonu (E/CN.4/Sub.2/1990/41),

Convinced that all United Nations programmes and specialized agencies can make practical contributions to protecting the rights and improving the conditions of indigenous peoples, particularly in the developing countries, through direct co-operation with indigenous peoples organizations,

1. Expresses its appreciation to Mr. Eide and Ms. Mbonu for their excellent working paper (E/CN.4/Sub.2/1990/41) on possible United Nations activities to be undertaken in connection with such a year, if it is approved by the General Assembly, and expresses its belief that their recommendations form a good basis for future action;

2. Reaffirms the recommendations contained in its resolution 1989/36 of 1 September 1989, regarding the timing, aims and administration of such a year;

3. Requests the Secretary-General:

(a) To transmit the working paper of Mr. Eide and Ms. Mbonu, through the Commission on Human Rights, to the Economic and Social Council;

(b) To bring the working paper, together with the recommendations contained in its resolution 1989/36, to the attention of the General Assembly at its forty-fifth session in connection with its consideration of Economic and Social Council resolution 1990/248;

(c) To report to the Sub-Commission at its forty-third session on the disposition of the recommendations contained in Economic and Social Council decision 1990/248, Sub-Commission resolution 1989/36, and the present resolution;

4. Requests Mr. Eide and Ms. Mbonu to submit, at its forty-third session, a second working paper providing more specific suggestions for activities that might be carried out at the national and international levels, indicating the geographical scope and the relevant groups which should be encouraged to participate in the activities of the year;

5. Further requests Mr. Eide and Ms. Mbonu to evaluate the achievements made when the programme has been carried out, at the end of the international year.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVI.]

1990/30. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of its Working Group on Contemporary Forms of Slavery on the work of its fifteenth session (E/CN.4/Sub.2/1990/44),

Deeply concerned at the information relating to the exploitation of child labour, debt bondage, the sale of children, child prostitution and child pornography, the traffic in persons and the exploitation of the prostitution of others, slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular the progress made at its fifteenth session in executing its programme of work, and for its continued broad approach and flexible methods of work;

I. Exploitation of child labour and debt bondage

2. Notes with satisfaction that the Working Group decided to make the problem of exploitation of child labour and of debt bondage the main theme of its fifteenth session and has defined a programme of action to combat these intolerable practices;

3. Welcomes the adoption by the General Assembly of the Convention on the Rights of the Child (resolution 44/25 of 20 November 1989) and calls on States to ratify it;

4. Also welcomes the forthcoming World Summit for Children to be held under the auspices of the United Nations in September 1990;

5. Requests the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. Abdelwakhab Bouhdiba's report on the exploitation of child labour and extend that study to the problem of debt bondage;

6. Invites the Secretary-General to recommend to the International Labour Organisation to consider the possibility of holding a seminar or workshop on debt bondage, in relation to and co-ordination with other organizations and agencies of the United Nations system;

II. Sale of children, child prostitution and child pornography

7. Welcomes the decision of the Commission on Human Rights to transmit the programme of action adopted by the Working Group at its fourteenth session (E/CN.4/Sub.2/1989/39, chap. VII, annex A) to Governments, intergovernmental organizations and non-governmental organizations, and requests the Secretary-General to submit an analytical summary of the replies received to the Commission at its forty-seventh session;

8. Takes note of the information and proposals relating to this programme of action supplied to the Working Group at its fifteenth session;

9. Decides to transmit this information and these proposals to the Commission on Human Rights and to request the Secretary-General to include them in the analytical summary;

10. Welcomes the appointment of Mr. Vitit Muntarbhorn as Special Rapporteur of the Commission on Human Rights for a term of two years, to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes;

11. Takes note of the information supplied to the Working Group on these problems and decides to transmit this information to the Special Rapporteur, including the recommendations concerning his mandate, and invites the Rapporteur to examine ways and means of co-operating with the Working Group on Contemporary Forms of Slavery and to seek the possibility of conducting his consultations with the Centre for Human Rights during the sixteenth session of the Working Group;

12. Requests the Centre for Human Rights to obtain, for the sixteenth session of the Working Group the reports of the meetings recommended within the framework of the United Nations Educational, Scientific and Cultural Organization, the World Health Organization and other international bodies, on the traffic in persons, prostitution, the traffic in children for purposes of adoption and organ transplants, and on other subjects within the mandate of the Working Group;

III. Child soldiers

13. Expresses its deep concern at the fact that in many regions of the world children are still taking part in hostilities and are being recruited into the armed forces, and that certain Governments and non-governmental entities encourage and sometimes compel children to take part in military training and participate in hostilities;

14. Deplores the fact that many child soldiers have been killed or seriously wounded and that others are languishing as prisoners of war;

15. Welcomes the decision of the Working Group to place this question on the agenda for its sixteenth session and invites the Working Group to make recommendations;

IV. Miscellaneous

16. Requests the Working Group to study the possibility of preparing guiding principles to combat the various contemporary forms of slavery, endeavouring to identify the spheres in which such guiding principles could be applied;

17. Recommends that the Human Rights Committee, when it examines the periodic reports of States parties to the International Covenant on Civil and Political Rights, give increased attention to the implementation of the provisions of articles 8 and 24 of the Covenant, with a view to eliminating acts which gravely impair the rights of the child, in particular contemporary forms of slavery;

18. Recommends that the Committee on Economic, Social and Cultural Rights, when it examines the periodic reports of States parties to the International Covenant on Economic, Social and Cultural Rights, give particular attention to the implementation of articles 10, 12 and 13 of the Covenant, with a view to improving the situation of children and eliminating the contemporary forms of slavery affecting children and the exploitation of child labour;

19. Recommends that the Committee on the Elimination of Discrimination against Women, when it examines the reports of States parties to the Convention on the Elimination of All Forms of Discrimination against Women, give particular attention to the implementation of the provisions of article 6 of the Convention, with a view to suppressing all forms of traffic in women;

20. Recommends that the International Labour Organisation supervisory bodies and the United Nations Educational, Scientific and Cultural Organization Committee on Conventions and Recommendations give particular attention in their work to the implementation of provisions and standards designed to ensure protection of children and other persons exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

21. *Recommends* that the Committee on the Rights of the Child, which is to be set up in accordance with article 43 of the Convention on the Rights of the Child, devote full attention to the phenomena which most gravely impair the rights of the child, in particular contemporary forms of slavery such as the sale of children, child prostitution and child pornography, the exploitation of child labour and bonded labour.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVII.]

1990/31. Programme of action for the elimination of the exploitation of child labour

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of its Working Group on Contemporary Forms of Slavery on the work of its fifteenth session (E/CN.4/Sub.2/1990/44), the main theme of which was the elimination of the exploitation of child labour and debt bondage,

Recognizing the extremely serious nature of the information presented and the need for the international community urgently to adopt measures to prevent such practices,

Considering that it is therefore desirable to launch a concerted programme of action as soon as possible,

1. *Endorses* the programme of action for the elimination of the exploitation of child labour and debt bondage drawn up by its Working Group on Contemporary Forms of Slavery (see E/CN.4/Sub.2/1990/44, annex I, sect. A);

2. *Recommends* the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A., draft resolution VII.]

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVII.]

1990/32. Report on human rights and youth prepared by Mr. Dumitru Mazilu

Noting with appreciation the updated report submitted for the first time by Mr. Dumitru Mazilu personally after his long forced absences from our debates,

Further noting the difficult circumstances in which this report was prepared and that the information collected by the Secretary-General relating to the subject has been delivered to Mr. Mazilu only a few weeks ago, *Recalling* its debate on this subject during its fortieth, forty-first and forty-second sessions,

Aware of the great importance of the subject of human rights and youth,

1. *Decides* to request Mr. Mazilu to update and complete his report in the light of the discussion during the Sub-Commission's forty-second session, the new information collected by the Secretary-General and any other pertinent information;

2. *Decides* to invite Mr. Mazilu to present a progress report at its forty-third session;

3. *Requests* the Secretary-General to continue to gather and furnish to Mr. Mazilu information relating to his study and to provide Mr. Mazilu with all the assistance he might need in completing his report, including consultation with the Centre for Human Rights.

35th meeting
31 August 1990

[Adopted without a vote. See chap. XVIII.]

1990/33. Draft declaration on the protection of all persons from enforced or involuntary disappearances

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling General Assembly resolution 33/173 of 20 December 1978 by which the Assembly expressed concern about the reports from various parts of the world relating to enforced or involuntary disappearances and called upon Governments to hold law enforcement and security forces legally responsible for unjustifiable excesses which might lead to enforced or involuntary disappearances,

Recalling also Commission on Human Rights resolution 1990/30 of 2 March 1990, by which the Commission expressed its appreciation to the Working Group on Detention of the Sub-Commission for the progress made in the preparation of the first draft of a declaration on the protection of all persons from enforced or involuntary disappearances and invited the Sub-Commission to finalize the draft as soon as possible,

Recalling further the reports of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights (E/CN.4/1985/15, para. 302 (c) and E/CN.4/1988/19, para. 251 (b)) in which it called for the drafting of an international instrument to combat enforced or involuntary disappearance,

Taking note with appreciation of the valuable contributions of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights and of various non-governmental organizations in the drafting of an international instrument to combat enforced or involuntary disappearances, Having examined the report of its Working Group on Detention (E/CN.4/Sub.2/1990/32) and, in particular, the annexed draft declaration on the protection of all persons from enforced or involuntary disappearances, which the Working Group has recommended for approval,

1. Expresses its appreciation for the work achieved by the Working Group on Detention;

2. Adopts the draft declaration on the protection of all persons from enforced or involuntary disappearances (E/CN.4/Sub.2/1990/32, annex);

3. Transmits the draft declaration to the Commission on Human Rights for its consideration, with the recommendation that it be endorsed and transmitted to the Economic and Social Council and the General Assembly for final adoption.

36th meeting
31 August 1990

[Adopted without a vote. See chap. XI.]

1990/34. Relocation of Navajo and Hopi families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its decisions 1987/110 of 4 December 1987 and 1988/105 of 1 September 1988 and the reports of two of its members on the relocation of Navajo and Hopi families in the United States (E/CN.4/Sub.2/1989/35, Part I and Part II and Add.1),

Guided by its resolution 1989/37 of 1 September 1989, in which it welcomed the initiatives taken by the Navajo Nation and Hopi Tribe to resolve this situation by agreement,

Appreciating the recent positive co-operation between the Navajo Nation and Hopi Tribe regarding coal and water use, legislation on ancient burial sites, the Navajo-Hopi airport project and the establishment of the joint Navajo-Hopi Relocation Task Team,

Having examined the report of the eighth session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42),

Conscious of the complex historical factors which are responsible for the present situation,

Mindful of the role the United Nations could play in facilitating the resolution of situations involving indigenous peoples,

1. Welcomes the initiatives recently taken by the Navajo Nation and Hopi Tribe to work together on issues of mutual concern;

2. Encourages the Navajo Nation and the Hopi Tribe to pursue further the initiatives they have taken to resolve the relocation situation by agreement, with the effective participation of the families and communities affected in the negotiation and implementation of any settlement;

3. Reiterates its belief that human rights and fundamental freedoms must be respected by institutions of local, internal or autonomous self-government, no less than by States;

4. Requests its Chairman to convey copies of this resolution to the interested parties along with assurances of the continuing interest of the Sub-Commission in an early and equitable resolution of the situation.

36th meeting
31 August 1990

[Adopted without a vote. See chap. XVI.]

B. Decisions

1990/101. Establishment of sessional working groups

At its 2nd meeting, on 7 August 1990, the Sub-Commission decided, without a vote, to establish the following sessional working groups:

(a) Working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII), composed of Mr. T.C. van Boven, Mr. S.V. Chernichenko, Mr. C. Heller, Ms. F.Z. Ksentini and Mr. R. Sachar as members of the group;

(b) Working group on detention, composed of Mr. R. Hatano, Mr. A.A. Ilkahanaf, Mr. L. Joinet, Mr. E. Suescún Monroy and Mr. D. Türk as members of the group; and

(c) Working group for the preparation of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country, composed of Mr. M. Alfonso Martínez, Mr. I. Diaconu, Mr. A. Eide, Ms. C.E. Mbonu and Mr. W.M. Sadi as members of the group.

[See chap. III.]

1990/102. Organization of work

At its 2nd meeting, on 7 August 1990, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 4: Mr. Luis Varela Quirós, Special Rapporteur on problems and causes of discrimination against HIV-infected people or people with AIDS;

(b) In connection with item 17: Mr. Dumitru Mazilu, Special Rapporteur on human rights and youth; and

(c) In connection with the report on the forty-sixth session of the Commission on Human Rights: Ms. P. Quisumbing, Chairman of the forty-sixth session of the Commission on Human Rights.

[See chap. III.]

1990/103. Demise of Ms. Pearl Bailey

At its 17th meeting, on 20 August 1990, the Sub-Commission decided, without a vote, that the Under-Secretary-General for Human Rights should send a telegram to the Secretary of State of the United States of America expressing his sadness at the demise of Ms. Pearl Bailey.

[See chap. III.]

1990/104. Continuation of debate on the proposal by Mr. Joinet concerning the secret vote

At its 18th meeting, on 20 August 1990, the Sub-Commission decided, by a roll-call vote of 6 to 14, with 4 abstentions, not to close the debate on the proposal by Mr. Joinet to suspend rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council for the purpose of protecting the independence of experts for the time necessary to vote on the draft resolutions under agenda item 6 of the forty-second session of the Sub-Commission.

[See chap. III.]

1990/105. Provisional suspension of rule 59 to allow for voting by secret ballot on resolutions under item 6 of the agenda

At its 23rd meeting, on 23 August 1990, the Sub-Commission decided, by a roll-call vote of 17 to 3, with 4 abstentions, to suspend temporarily rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under agenda item 6 of the forty-second session of the Sub-Commission.

[See chaps. III and VII.]

1990/106. Postponement of consideration of draft resolution E/CN.4/Sub.2/1990/L.7 and amendments thereto

At its 24th meeting, on 23 August 1990, the Sub-Commission decided, by a roll-call vote of 7 to 4, with 11 abstentions, to postpone consideration of draft resolution E/CN.4/Sub.2/1990/L.7 and the relevant amendments thereto until its forty-third session.

[See chap. IV.]

1990/107. Conduct of speeches

At its 25th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, to re-organize the conduct of speeches for the remainder of its forty-second session by:

(a) Limiting statements by Observers to five minutes on any one item and to seven minutes when two items were being considered concurrently;

(b) Inviting Observers to circulate their written statements to the members of the Sub-Commission after their oral presentation;

(c) Limiting Observers for States to one statement equivalent to a right of reply of no more than three minutes;

(d) Urging members of the Sub-Commission to speak only once on each agenda item for no longer than 10 minutes.

[See chap. III.]

1990/108. Appeal concerning the situation in the Gulf

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, on the grounds of human rights and humanitarian law, to strongly appeal to the Government of Iraq to facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries.

[See chap. XI.]

1990/109. Appeal concerning the situation in the Gulf

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, on the grounds of human rights and humanitarian law, to strongly appeal to all those participating in sanctions against Iraq not to prevent the delivery of necessary food and medicine. The appeal was made in the spirit of Security Council resolution 661 (1990).

[See chap. IX.]

1990/110. Meeting of non-governmental organizations on Palestine

At its 26th meeting, on 24 August 1990, the Sub-Commission meeting in closed session decided, without a vote, to express its grave concern at the reported refusal of the Israeli authorities to allow Mr. Faisal Husseini, Mr. Ghassan El-Khatib and Dr. Ferval Agha to leave the country to attend the Seventh United Nations International NGO Meeting on the Question of Palestine, to be held at Geneva from 29 to 31 August 1990, preceded by the Fourth European Regional NGO Symposium on the Question of Palestine, to be held at Geneva from 27 to 28 August 1990, and to strongly appeal to the Israeli authorities not to hamper the participation of the above-mentioned Palestinian panelists at the meetings.

[See chap. III.]

1990/111. Suspension of rule 59 to allow for voting by secret ballot on proposals under Economic and Social Council resolution 1503 (XLVIII)

At its 28th closed meeting, on 27 August 1990, the Sub-Commission decided, pursuant to rule 78 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, by a roll-call vote of 18 to 3, with 4 abstentions, to suspend rule 59, so as to allow for voting by secret ballot, for the purpose of protecting the experts' independence when voting on proposals under Council resolution 1503 (XLVIII), agenda item 9, at the forty-second session.

[See chaps. III and X.]

1990/112. Consideration of communications under Economic and Social Council resolution 1503 (XLVIII)

At its 30th meeting (closed part), on 28 August 1990, the Sub-Commission, wishing to modify its decision 1989/102 of 25 August 1989, decided, without a vote, that the Working Group on Communications, acting under operative paragraph 1 of Economic and Social Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meeting of the Working Group.

[See chap. X.]

1990/113. Human rights and disability

At its 32nd meeting, on 29 August 1990, the Sub-Commission decided, without a vote, to suspend the debate on agenda item 12 of its forty-second session and to include the item in the provisional agenda for its forty-third session as a matter of the highest priority.

[See chap. XIII.]

1990/114. World conference on human rights

At its 33rd meeting, on 30 August 1990, the Sub-Commission, recalling General Assembly resolution 44/156 of 15 December 1989, decided, without a vote, to submit document E/CN.4/Sub.2/1990/NGO/3 to the Secretary-General to be studied within the framework of the definition of objectives and modalities of a world conference on human rights.

[See chap. V.]

1990/115. Postponement of draft resolution E/CN.4/Sub.2/1990/L.40

At its 33rd meeting, on 30 August 1990, the Sub-Commission decided, without a vote, to suspend further consideration of draft resolution E/CN.4/Sub.2/1990/L.40 until its forty-third session.

[See chap. IV.]

1990/116. Postponement of draft resolution E/CN.4/Sub.2/1990/L.45

At its 33rd meeting, on 30 August 1990, the Sub-Commission decided, without a vote, to suspend further consideration of draft resolution E/CN.4/Sub.2/1990/L.45, until its forty-third session.

[See chap. V.]

1990/117. Preliminary report on the right to freedom of opinion and expression

At its 34th meeting, on 30 August 1990, the Sub-Commission, taking note with appreciation of the preliminary report on the right to freedom of opinion and expression submitted by Messrs. Louis Joinet and Danilo Türk (E/CN.4/Sub.2/1990/11), decided, without a vote, to give priority consideration to the updated report at its forty-third session under item 4, "Review of further developments in fields with which the Sub-Commission has been concerned", and requested the Secretary-General to extend to the authors the assistance necessary to fulfil their mandate.

[See chap. V.]

1990/118. Preliminary report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS

At its 34th meeting, on 30 August 1990, the Sub-Commission, taking note with appreciation of the preliminary report on the study on problems and causes of discrimination against HIV-infected people or people with AIDS submitted by Mr. Luis Varela Quiros (E/CN.4/Sub.2/1990/9), decided, without a vote, to request the Secretary-General to give to the Special Rapporteur any assistance he might require to accomplish his work; further requested the Special Rapporteur to take into account in his future work the views expressed during the debate on his preliminary report at its forty-second session and decided to continue consideration of the progress report at its forty-third session under item 4, "Review of further developments in fields with which the Sub-Commission has been concerned".

[See chap. V.]

1990/119. Human rights and extreme poverty

At its 34th meeting, held on 30 August 1990, the Sub-Commission decided, without a vote, to request Mr. Eduardo Suescún Monroy to prepare, without financial implications, the method and plan of work for the study on human rights and extreme poverty requested by the Commission on Human Rights in its resolution 1990/15 of 23 February 1990. It also decided to consider the preliminary version of this study at its forty-third session, under the agenda item entitled "The realization of economic, social and cultural rights".

[See chap. VIII.]

1990/120. Protection of staff members of the United Nations system

At its 34th meeting, on 30 August 1990, the Sub-Commission, noting with concern General Assembly resolution 44/186 of 19 December 1989 and Commission on Human Rights resolution 1990/31 of 2 March 1990, and recalling its resolutions 1988/9 of 31 August 1988 and 1989/30 of 1 September 1989, as well as the study by Ms. Bautista (E/CN.4/Sub.2/1990/30) highlighting the disturbing situation of United Nations staff members, experts and their families detained, missing or held in a country against their will, decided, without a vote, to express the wish that, on the commemoration of the forty-second anniversary of the Universal Declaration of Human Rights to take place within the United Nations on 10 December 1990, this situation be described to the general public and the existing means of guaranteeing the independence and security of United Nations officials be examined.

[See chap. XI.]

1990/121. Situation in Lebanon

At its 34th meeting, on 30 August 1990, recalling its resolution 1989/8 on Lebanon, the Sub-Commission decided, without a vote, to discuss the situation at its forty-third session.

[See chap. VII.]

1990/122. Conduct of voting

At its 34th meeting, on 30 August 1990, the Sub-Commission decided, without a vote, that draft decisions and resolutions should not be introduced by one of the sponsors, and urged members not to make general comments on the drafts, but offer only concrete proposals on the texts.

[See chap. III.]

1990/123. Right of everyone to leave any country, including his own, and to return to his country

At its 35th meeting, on 31 August 1990, the Sub-Commission decided, without a vote, to establish, at its forty-third session, a sessional open-ended working group with a view to continuing to work on the preparation of a revised version of the draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country (E/CN.4/Sub.2/1988/35 and Add.1, annex I).

The Sub-Commission also decided to ask Mr. W. Sadi to prepare, without financial implications, the revised version of the above-mentioned draft declaration, on the basis of the discussions in the open-ended working group at its forty-second session and the comments and proposals contained in document E/CN.4/Sub.2/1990/47, to be submitted in 1991 for analysis and discussion by the working group with a view, if possible, to its submission to the Sub-Commission at its forty-third session.

It further decided, if appropriate, to invite the Special Rapporteur, Mr. Mubanga-Chipoya, to be present in Geneva during the meetings of the working group.

35th meeting
31 August 1990

[See chap. XX.]

1990/124. Working Group on Detention

At the 36th meeting, on 31 August 1990, the Sub-Commission decided, without a vote, to take note of the report of its Working Group on Detention (E/CN.4/Sub.2/1990/32).

[See chap. XI.]

1990/125. Working Group established pursuant to Sub-Commission decision 1989/104

At the 36th meeting, on 31 August 1990, the Sub-Commission decided, without a vote, to take note of the report of its Working Group established pursuant to Sub-Commission decision 1989/104 (E/CN.4/Sub.2/1990/14) and that the Working Group should continue its work at the forty-third session of the Sub-Commission.

[See chap. VII.]

1990/126. Composition of the Working Groups of the Sub-Commission

At its 36th meeting, on 31 August 1990, the Sub-Commission approved the following composition of its working groups:

Regional Groups	Communications	Indigenous Populations	Slavery
Africa	Mr. Yimer	Ms. Mbonu	Ms. Ksentini
	Mr. Ilkahanaf */		Mr. Guissé */
Asia	Mr. Tian Jin	Mr. Hatano	Mr. Sadi
	Mr. Zhan Daode */	Mr. Yokota */	
Latin America	Mr. Heller	Mr. Alfonso Martínez	Mr. Suescún Monroy
	Mr. Despouy */	Ms. Zelner Gonçalves */	Mr. Despouy */
Eastern Europe	Mr. Ramishvili	Mr. Türk	Ms. Diaconu
Western Europe	Mr. van Boven	Ms. Daes	Ms. Palley
and others	Mr. Treat */	Mr. Eide */	Mr. Joinet */

[See chaps. X, XVI and XVII.]

---

*/ Alternate.

III. ORGANIZATION OF THE FORTY-SECOND SESSION

A. Opening and duration of the session

1. The Sub-Commission on Prevention of Discrimination and Protection of Minorities held its forty-second session at the United Nations Office at Geneva from 6 to 31 August 1990.

2. The session was opened by Mr. Fisseha Yimer, Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-first session, who made a statement (1st meeting). The Under-Secretary-General for Human Rights also addressed the Sub-Commission (1st meeting).

B. Attendance

3. The session was attended by members of the Sub-Commission, by Observers of States Members of the United Nations, by Observers for non-member States, by the representatives of intergovernmental organizations, national liberation movements and non-governmental organizations. Details of attendance appear in annex II to the present report.

C. Election of officers

4. The Sub-Commission elected the following officers by acclamation:

Chairman:	Mr. Danilo Türk
Vice-Chairmen:	Ms. Judith Sefi Attah Mr. Ribot Hatano Mr. William W. Treat
Rapporteur:	Mr. Gilberto Vergne Saboia

D. Adoption of the agenda

5. At its 1st meeting, on 6 August 1990, the Sub-Commission adopted the provisional agenda (E/CN.4/Sub.2/1990/1). The agenda as adopted is reproduced in Annex I.

E. Organization of work

6. At its 1st, 2nd, and 3rd meetings, on 6 and 7 August 1990, the Sub-Commission considered the organization of its work.

7. At its 2nd meeting, on 7 August 1990, it decided to set up the following sessional Working Groups:

(a) Working Group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII); the

Sub-Commission appointed Mr. van Boven (Western Europe and others), Mr. Chernichenko (Eastern Europe), Mr. Heller (Latin America), Ms. Ksentini (Africa) and Mr. Sachar (Asia) as members of the Group;

(b) Working Group on Detention; the Sub-Commission appointed Mr. Hatano (Asia), Mr. Ilkahanaf (Africa), Mr. Joinet (Western Europe and others), Mr. Suescún Monroy (Latin America) and Mr. Türk (Eastern Europe) as members of the Group;

(c) Working Group for the preparation of a draft declaration on the right of everyone to leave any country, including his own, and to return to his country; the Sub-Commission appointed Mr. Alfonso Martínez (Latin America), Mr. Diaconu (Eastern Europe), Mr. Eide (Western Europe and others), Ms. Mbonu (Africa) and Mr. Sadi (Asia) as members of the Group.

8. At the same time, upon the recommendation of its officers, the Sub-Commission decided to invite the following persons to participate in the meetings at which their reports were to be considered:

(a) In connection with item 4: Mr. Luis Varela Quiros, Special Rapporteur on problems and causes of discrimination against HIV-infected people or people with AIDS;

(b) In connection with item 17: Mr. Dumitru Mazilu, Special Rapporteur on human rights and youth;

(c) In connection with Commission on Human Rights resolution 1990/64: Ms. P. Quisumbing, Chairman of the forty-sixth session of the Commission on Human Rights.

9. At its 2nd meeting, on 7 August 1990, bearing in mind the respective priority of the items and availability of the relevant documentation, the Sub-Commission accepted the recommendation of its officers and agreed to consider the items on its agenda in the following order: 3, 5, 18, 6, 10, 11, 9, 7, 8, 12, 13, 14, 4, 17, 15, 16, 19, 20, 21.

10. The Sub-Commission accepted the recommendation of its officers regarding the limitation of the frequency and duration of statements. Members of the Sub-Commission were limited to statements of 10 to 15 minutes; Observers from organizations and States were limited to one statement of 10 minutes, and on composite items to a second statement of 6 minutes. It was also agreed that, with regard to statements equivalent to the right of reply, a first statement was limited to 5 minutes and a second to 3 minutes. Special Rapporteurs would be asked not to exceed 20 minutes for the introduction of their reports and 15 minutes for their concluding statements.

11. At its 25th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session, decided, without a vote, to limit statements by Observers to five minutes on any one item and to seven minutes when two items were being considered concurrently; to invite Observers to circulate their written statements to the members of the Sub-Commission after their oral presentation; to limit Observers for States to one statement equivalent to a right of reply of no more than three minutes; and to urge members of the Sub-Commission to speak only once on each agenda item for no longer than 10 minutes.

12. For the text of the decision, as adopted, see chapter II, section B, decision 1990/107.

13. At its 34th meeting, on 30 August 1990, the Sub-Commission decided, without a vote, that draft decisions and resolutions should not be introduced by one of the sponsors, and urged members not to make general comments on the drafts, but offer only concrete proposals.

14. For the text of the decision, as adopted, see chapter II, section B, decision 1990/122.

15. The Sub-Commission accepted the recommendation by the Chairman, in accordance with the legal opinion of 23 June 1989 by the Office of the Legal Counsel on rule 69 (2) of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, that a State which was the subject of a draft resolution before the Sub-Commission should be allowed, if it so desired, to participate in the Sub-Commission's deliberations on the draft resolution prior to the beginning of voting on the draft. The Chairman would clearly indicate when the procedure of voting had begun.

16. Within the framework of the organization of work, the Sub-Commission considered the question of how to treat urgent matters at its 2nd and 3rd meetings, on 7 August 1990.

17. During this discussion the question of the situation in Oka, Quebec, Canada was raised. In this connection, at the 3rd, 5th, 9th, 13th, 17th, 30th, 31st, 32nd, 33rd and 36th meetings, on 7, 9, 14, 16, 20, 28, 29, 30 and 31 August 1990, the Chairman of the Sub-Commission, Mr. Danilo Türk, made a statement.

18. At the third meeting, on 7 August 1990, the question of the situation in Pakistan was also raised. In this connection a statement was made by the Observer for Pakistan.

19. At the 16th meeting, on 17 August 1990, Mr. Joinet made a proposal, pursuant to rule 78 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, to suspend rule 59 of the rules of procedure for the purpose of protecting the independence of experts for the time necessary to vote on the draft resolutions under agenda item 6 at the forty-second session of the Sub-Commission.

20. At the 18th meeting, on 20 August 1990, statements in connection with Mr. Joinet's proposal were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Mr. Joinet, Ms. Palley, Mr. Sachar and Mr. Yimer.

21. At the same meeting, Mr. Despouy, in accordance with rule 50 of the rules of procedure, moved the closure of the debate on the proposal. Mr. Alfonso Martínez and Ms. Palley made statements opposing the closure.

22. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on Mr. Despouy's motion. The motion was rejected by 6 votes to 14, with 4 abstentions. The voting was as follows:

In favour: Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Maxim, Mr. Suescún Monroy and Ms. Warzazi.

Against: Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Ms. Palley, Mr. Saboia, Mr. Sachar, Mr. Tian Jin and Mr. Treat.

Abstaining: Mr. van Boven, Mr. Chernichenko, Ms. Daes and Mr. Yimer.

23. For the text of the decision, as adopted, see chapter II, section B, decision 1990/105.

24. A statement in explanation of vote after the vote was made by Mr. Ilkahanaf.

25. At the 23rd meeting, on 23 August 1990, statements in connection with Mr. Joinet's proposal were made by Mr. Alfonso Martínez, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sadi and Mr. Treat.

26. At the same meeting, at the request of Mr. Alfonso Martínez, a roll-call vote was taken on Mr. Joinet's motion. The motion was adopted by 17 votes to 3 with 4 abstentions. The voting was as follows:

In favour: Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Joinet, Mr. Maxim, Mr. Merills, Mr. Saboia, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat and Ms. Warzazi.

Against: Mr. Alfonso Martínez, Mr. Tian Jin and Mr. Yimer.

Abstaining: Mr. Ilkahanaf, Mr. Khalil, Ms. Mbonu and Mr. Sachar.

27. For the text of the decision, as adopted, see chapter II, section B, decision 1990/105.

28. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Guissé, Mr. Ilkahanaf, Ms. Palley, Mr. Sachar, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer.

29. At the 28th meeting, on 27 August 1990, the Sub-Commission decided in closed session, by a roll-call vote of 18 votes to 3, with 4 abstentions, to suspend rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council, so as to allow for voting by secret ballot, for the purpose of protecting the independence of experts when voting on proposals under item 9 of the agenda of the forty-second session.

30. For the text of the decision, as adopted, see chapter II, section B, decision 1990/111.

F. Meetings, resolutions and documentation

31. The Sub-Commission held 36 meetings. The views expressed during the discussion on substantive items are summarized in the records of those meetings (E/CN.4/Sub.2/1990/SR.1-SR.36).

32. Written communications transmitted by Governments and non-governmental organizations for circulation to the Sub-Commission are mentioned in the chapter on the items to which the communications refer.

33. The Sub-Commission adopted resolutions 1990/1 to 1990/34 and took 26 decisions. The texts of these resolutions and decisions appear in chapter II, sections A and B.

34. Draft resolutions and decisions for action or consideration by the Commission are set out in chapter I, sections A and B.

35. Statements of the administrative and programme budget implications of certain resolutions appear in annex III to the present report. In this connection, a statement was made by the representative of the Centre for Human Rights at the 33rd meeting, on 30 August 1990.

36. A list of studies under preparation drawn up in accordance with Commission on Human Rights resolution 1982/23 appears in annex IV.

37. A list of documents submitted to the Sub-Commission for consideration appears in annex V.

G. Other matters

38. At its 1st meeting, on 6 August 1990, the Sub-Commission, in accordance with its decision 1985/109, observed a minute of silence in honour of the victims of the evil and inhuman system of *apartheid* in South Africa and, according to a decision taken at the same meeting, of the victims of the riots in the occupied Arab territories.

39. At the 2nd meeting, on 7 August 1990, a statement was made by a representative of the Office of Legal Affairs in connection with a request by some members of the Sub-Commission at its forty-first session for a legal opinion on the application of rule 60 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council.

40. At the 13th meeting, on 16 August 1990, the Chairman made a statement on the accreditation of non-governmental organizations.

41. At its 17th meeting, held on 20 August 1990, the Sub-Commission decided that a telegram be sent by the Under-Secretary-General for Human Rights to the Secretary of State of the United States of America expressing his sadness at the passing away of Ms. Pearl Bailey.

42. At its 26th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session, adopted a decision on a meeting of non-governmental organizations on Palestine, which it further decided to make public.

43. For the text as adopted, see chapter II, section B, decision 1990/110.

44. At the 30th meeting, on 28 August 1990, a representative of the Office of Legal Affairs made a statement regarding the immunities enjoyed by the members of the Sub-Commission.

IV. REVIEW OF THE WORK OF THE SUB-COMMISSION

45. The Sub-Commission considered agenda item 3 at its 2nd, 4th, 23rd, 24th, 25th and 33rd meetings, held on 7, 8, 23, 24 and 30 August 1990.

46. The Sub-Commission had before it the following documents in connection with its consideration of the item:

List of studies and reports prepared pursuant to Sub-Commission decision 1989/103: Note by the Secretary-General (E/CN.4/Sub.2/1990/2);

Report prepared by the Working Group on various possibilities of implementing paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission (E/CN.4/Sub.2/1990/14);

Note presented by Ms. Claire Palley on the secret ballot in the Sub-Commission (E/CN.4/Sub.2/1990/51).

47. At the 2nd meeting, on 7 August 1990, the Under-Secretary-General for Human Rights introduced the item.

48. At the 25th meeting, on 24 August 1990, the Chairman of the Commission on Human Rights, Ms. Quisumbing, addressed the Sub-Commission.

49. In the general debate on this item statements were made by the following members of the Sub-Commission: Mr. van Boven (4th), Mr. Chernichenko (4th), Mr. Diaconu (4th), Mr. Eide (4th), Mr. Guissé (4th), Mr. Heller (4th), Mr. Joinet (2nd and 4th), Mr. Khalifa (2nd), Ms. Ksentini (4th), Ms. Mbonu (4th), Mr. Saboia (4th), Mr. Sadi (4th), Mr. Suescún Monroy (4th) and Mr. Tian Jin (2nd).

50. A statement was also made by the following non-governmental organization: American Association of Jurists (4th).

Footnote to rule 59 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council

51. At the 23rd meeting, on 23 August 1990, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1990/L.4, sponsored by Mr. van Boven and Mr. Treat. Amendments to the draft resolution were proposed by Mr. Joinet in E/CN.4/Sub.2/1990/L.18.

52. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez (23rd and 24th), Mr. van Boven (24th), Mr. Chernichenko (24th), Mr. Despouy (24th), Mr. Heller (24th), Mr. Joinet (24th), Ms. Ksentini (24th), Ms. Palley (24th), Mr. Saboia (24th), Mr. Sachar (24th), Mr. Sadi (24th), Mr. Suescún Monroy (24th), Mr. Treat (24th) and Ms. Warzazi (23rd and 24th).

53. At the 23rd meeting, Ms. Warzazi proposed amending the eighth proposed amendment contained in E/CN.4/Sub.2/1990/L.18 by substituting the words "allegations of" for the words "allegations concerning".

54. At the 24th meeting, on 23 August 1990, Ms. Palley moved a motion, in accordance with rule 65, paragraph 2, that no action be taken on draft resolution E/CN.4/Sub.2/1990/L.4.

55. At the request of Ms. Palley, a vote was taken on her motion. The motion was rejected by 1 vote in favour and 17 against, with 4 abstentions. Explanations of vote after the vote were made by Mr. Alfonso Martinez, Mr. Chernichenko, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Sadi and Mr. Treat.

56. At the 24th meeting, Ms. Warzazi proposed amending the final paragraph of the draft resolution for adoption by the Economic and Social Council by deleting the words "of the Economic and Social Council" after the word "understanding" and deleting the word "specific" in the final line of the same paragraph.

57. At the same meeting, Mr. Heller proposed the insertion of the words "at its next session" after the word "adoption" in the second operative paragraph of the draft resolution for adoption by the Commission on Human Rights.

58. Ms. Palley proposed substituting the word "understood" for the words "the understanding" in the final paragraph of the draft resolution for adoption by the Economic and Social Council.

59. At the request of Mr. Alfonso Martínez, separate votes were taken on preambular paragraphs 3 and 4. Ms. Mbonu made a statement in explanation of vote before the vote.

60. Preambular paragraph 3 was adopted by 19 votes in favour and 2 against, with 3 abstentions. Preambular paragraph 4 was adopted by 19 votes in favour and 3 against, with 2 abstentions. Statements in explanation of vote after the vote were made by Mr. Alfonso Martínez and Mr. Yimer.

61. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on draft resolution E/CN.4/Sub.2/1990/L.4, as amended. Statements in explanation of vote before the vote were made by Mr. Alfonso Martínez and Ms. Ksentini. The draft resolution was adopted by 20 votes in favour and 2 against, with 2 abstentions. The voting was as follows:

In favour:	Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Merills, Mr. Saboia, Mr. Suescún Monroy, Mr. Treat and Ms. Warzazi.
Against:	Mr. Alfonso Martínez and Mr. Tian Jin.
Abstaining:	Mr. Sachar and Mr. Yimer.

62. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/4.

New rules of procedure for the Sub-Commission on Prevention of Discrimination and Protection of Minorities

63. At the 24th meeting, on 23 August 1990, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/1990/L.7, sponsored by Mr. Alfonso Martínez, Mr. Khalifa, Mr. Tian Jin and Mr. Yimer. Amendments to the draft resolution were proposed by Mr. Despouy in document E/CN.4/Sub.2/1990/L.12 and Mr. Joinet in document E/CN.4/Sub.2/1990/L.15.

64. Mr. Despouy withdrew his proposed amendment.

65. Statements in connection with the draft resolution and the proposed amendments thereto were made by Mr. Eide (24th), Mr. Guissé (24th), Mr. Ilkahanaf (24th), Mr. Joinet (24th), Ms. Ksentini (24th), Ms. Mbonu (24th), Mr. Suescún Monroy (24th) and Ms. Warzazi (24th).

66. At the same meeting, Ms. Warzazi proposed postponing further consideration of the draft resolution and amendments thereto until the forty-third session of the Sub-Commission.

67. At the request of Mr. Alfonso Martínez, a roll-call vote was taken on Ms. Warzazi's proposal. The proposal was adopted by 7 votes in favour and 4 votes against, with 11 abstentions. The voting was as follows:

In favour:	Ms. Bautista, Mr. Eide, Mr. Guissé, Mr. Merills, Mr. Saboia, Mr. Suescún Monroy and Ms. Warzazi.
Against:	Mr. Alfonso Martínez, Mr. Joinet, Ms. Ksentini and Mr. Tian Jin.
Abstaining:	Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Heller, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Sadi and Mr. Yimer.

68. For the text of the decision, as adopted, see chapter II, section B, decision 1990/106.

69. The draft resolution read as follows:

"_The Sub-Commission on Prevention of Discrimination and Protection of Minorities_,

Considering that its proceedings are governed at present by the Rules of Procedure of the Functional Commissions of the Economic and Social Council, rules for bodies which are, by definition, of a governmental nature,

Considering further that for a number of occasions and circumstances the said Rules of Procedure do not appear entirely suited to the particular characteristics of an expert body such as the Sub-Commission, Bearing in mind Sub-Commission decisions 1989/101 of 25 August 1989 and 1989/105 of 31 August 1989 by which the Sub-Commission decided, by majority vote, to suspend the application, during its forty-first session, of rule 59 of the said Rules of Procedure with respect to votes taken under items 6 and 8 of the agenda,

Fully aware of the content of the advisory opinion issued by the United Nations Under-Secretary-General for Legal Affairs (Legal Advisor), at the request of the Sub-Commission, in which it is unequivocally stated that the suspension of rule 59 for the purpose of taking certain decisions by secret ballot also rules out the application of rule 60 regarding explanations of vote, thus actually preventing expert members from stating clearly and properly their views on the texts submitted for such votes,

Taking into account also that on 16 February 1984, and again on 31 July 1989, the Legal Advisor informed the Sub-Commission that in accordance with his Office's view, votes by secret ballot could only be taken if two conditions were met, namely that the decision to take a secret ballot was reached by general agreement among its members, or that the question was akin to an election,

Considering further that rule 77 of the Rules of Procedure of the Functional Commissions establishes that the Economic and Social Council is the only body that may amend the said Rules,

1. Requests Messrs. ...., members of the Sub-Commission, to submit for consideration at its forty-third session, without financial implications and for subsequent submission to the Commission on Human Rights and the Economic and Social Council in 1992, a draft containing a new set of rules of procedure that will govern its proceedings in substitution for those presently in force, and which would fully take into account the distinct characteristics of the Sub-Commission as an expert body;

2. Decides not to further suspend, on an ad hoc yearly basis, rules 59 and 60 of the present Rules of Procedure until a decision is taken by the Economic and Social Council on the above-mentioned draft;

3. Requests the Secretary-General to provide Messrs. .... with all possible assistance for the timely completion of the said draft in accordance with the conditions established in paragraph 1."

70. The amendments thereto, contained in E/CN.4/Sub.2/1990/L.15, read as follows:

"Second preambular paragraph

At the end of the paragraph, the words "an expert body such as the Sub-Commission" should be replaced by the following:

> 'a body of experts such as those of the Sub-Commission who should enjoy guarantees of independence as emphasized by the International Court of Justice in paragraphs 43, 47, 50, 51, 52, 54 and 55 of its advisory opinion of 15 December 1989';

Fourth preambular paragraph

The words 'after the vote' should be added after 'explanations of vote';

At the end of the paragraph, the words 'thus actually preventing expert members from stating clearly and properly their views on the texts submitted for such votes,' should be deleted;

Fifth preambular paragraph

At the end of the paragraph, the following phrase should be added: ', and that this opinion should be interpreted in the light of rule 5, paragraph 4 (ii), and rule 58 of the rules of procedure';

Operative paragraph 1

At the end of the paragraph, the words 'as an expert body' should be replaced by 'as a body of independent experts'.

Operative paragraphs 2 and 3

The two paragraphs should be replaced by a single paragraph reading:

> '*Requests* the Working Group to study the adaptation of the rules of procedure of the Sub-Commission to the specific needs of a body of independent experts and to make proposals to that end if it deems fit'."

71. At the 33rd meeting, on 30 August 1990, Mr. Treat introduced his draft resolution E/CN.4/Sub.2/1990/L.40. Mr. Sachar subsequently joined as a sponsor.

72. Mr. van Boven proposed amending the draft resolution by inserting a preambular paragraph reading as follows:

> "*Welcoming* the fact that the Chairman of the forty-sixth session of the Commission on Human Rights made a statement before the Sub-Commission as part of the constructive efforts to co-ordinate the work of both human rights bodies,".

73. At the same meeting, statements relating to the draft resolution and amendments thereto were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Laghmari and Mr. Zhan Daode.

74. Ms. Ksentini proposed that the sponsor withdraw draft resolution E/CN.4/Sub.2/1990/L.40 and that the Sub-Commission decide to consider the question at its next session.

75. The Sub-Commission subsequently decided to postpone consideration of the draft resolution E/CN.4/Sub.2/1990/L.40 to its forty-third session.

76. For the text of the decision, as adopted, see chapter II, section B, 1990/115.

77. The draft resolution read as follows:

"*The Sub-Commission on Prevention of Discrimination and Protection of Minorities*,

Bearing in mind the action of the creation by the United Nations of the Commission on Human Rights in 1945 and the Sub-Commission on Prevention of Discrimination and Protection of Minorities in 1947,

Considering that the strategic objectives of the Commission on Human Rights and the Sub-Commission can best be achieved through a co-ordinated effort,

Noting that the Sub-Commission is a body of independent experts and must take all necessary steps to maintain and enlarge its independence,

Believing that the common good of the Commission of Human Rights and the Sub-Commission can best be accomplished by a continuing co-ordination of the two human rights bodies,

Recognizing the need to avoid unnecessary duplication of efforts,

Bearing in mind the rapidly expanding work load of each body and the increasing interest in human rights throughout the world,

1. *Expresses* the desire to explore with the Commission on Human Rights the possibility of creating a continuing group for the co-ordination of the work of the two bodies;

2. *Recommends* that the chairman of each body create a joint committee, with the approval of their respective bodies, to submit a report to the respective bodies outlining proposals for the improvement of the efficiency and productivity of the Commission on Human Rights and the Sub-Commission."

best copy available

V. REVIEW OF FURTHER DEVELOPMENTS IN FIELDS WITH WHICH THE SUB-COMMISSION HAS BEEN CONCERNED

78. The Sub-Commission considered agenda item 4 at its 30th to 34th meetings, held on 28 to 30 August 1990.

79. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Note by the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1990/4);

Memorandum submitted by the International Labour Office (E/CN.4/Sub.2/1990/5);

Report submitted by UNESCO (E/CN.4/Sub.2/1990/6);

Preliminary report prepared by Mr. Varela Quiros, Special Rapporteur on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1990/9);

Preliminary report submitted by Mr. van Boven, Special Rapporteur on compensation for victims of gross violations of human rights (E/CN.4/Sub.2/1990/10);

Preliminary report prepared by Mr. Türk and Mr. Joinet, Special Rapporteurs on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11);

Report submitted by Mr. Sadi on the protection of journalists (E/CN.4/Sub.2/1990/17);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/3);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/23);

Written statement submitted by the International Education Development Inc., a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/31).

80. The item was introduced at the 30th meeting; on 28 August 1990, by the Under-Secretary-General for Human Rights.

81. At the 30th meeting, on 28 August 1990, Mr. van Boven introduced his preliminary report.

82. At the same meeting, Mr. Joinet introduced the preliminary report submitted by Mr. Joinet and Mr. Türk.

83. At the same meeting, Mr. Varela Quiros introduced his preliminary report.

84. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Ms. Bautista (31st), Mr. Chernichenko (31st), Ms. Daes (31st), Mr. Despouy (31st), Mr. Eide (31st), Mr. Hatano (31st), Mr. Joinet (31st), Ms. Ksentini (31st), Ms. Palley (31st), Mr. Sachar (31st), Mr. Suescún Monroy (31st) and Ms. Warzazi (30th and 31st).

85. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (32nd), International Centre for Sociological, Penal and Penitentiary Research and Studies (32nd), International Commission of Jurists (31st), International Commission of Health Professionals for Health and Human Rights (32nd), International Council of Jewish Women (31st), Liberation (32nd), International League for the Rights and Liberation of Peoples (32nd), International Movement for Fraternal Union among Races and Peoples (32nd), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), Romani Union (32nd), World Union for Progressive Judaism (31st).

86. Statements equivalent to a right of reply were made by the Observers for Cuba (32nd), Ethiopia (32nd), Indonesia (32nd) and Yugoslavia (32nd).

87. At the 32nd meeting, on 29 August 1990, the Special Rapporteurs, Mr. van Boven, Mr. Joinet and Mr. Varela Quiros presented their concluding remarks.

88. At the 33rd meeting, on 30 August 1990, Ms. Daes introduced draft resolution E/CN.4/1990/L.26, sponsored by Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Treat and Ms. Warzazi. Mr. Alfonso Martínez, Ms. Bautista, Mr. Joinet, Ms. Ksentini and Mr. Sachar subsequently joined the sponsors.

89. Mr. Alfonso Martínez proposed amending operative paragraph 2 by inserting the words "and whatever relevant decisions which might be adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders" after the words "24 May 1990".

90. Ms. Ksentini proposed an amendment to operative paragraph 2 by inserting the words ", including the provisional plan for the study," after the words "on the preliminary report".

91. A statement relating to the draft resolution and the amendments thereto was made by Ms. Daes (33rd).

92. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1990/L.55) of the draft resolution E/CN.4/Sub.2/1990/L.26.

93. The draft resolution, as amended, was adopted without a vote.

94. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/6.

95. At the 33rd meeting, on 30 August 1990, Mr. Despouy introduced draft resolution E/CN.4/Sub.2/1990/L.33, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Sachar, Mr. Sadi, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Daes and Mr. Saboia subsequently joined the sponsors.

96. Ms. Daes proposed an amendment to operative paragraph 4 of the part of the draft resolution for adoption by the Commission on Human Rights by inserting the words "as Special Rapporteur" after "Mrs. Fatma Zohra Ksentini".

97. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1990/L.58) of draft resolution E/CN.4/Sub.2/1990/L.33.

98. The draft resolution, as amended, was adopted without a vote.

99. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/7.

100. At the 33rd meeting, 30 August 1990, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1990/L.45, sponsored by Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim and Mr. Treat.

101. The draft resolution read as follows:

"*The Sub-Commission on Prevention of Discrimination and Protection of Minorities*,

Recalling its resolution 1989/2 of 31 August 1989 in which it requested Mr. Waleed Sadi to prepare, without financial implications, a report on the feasibility of a study on ways and means to extend additional protection and assistance to journalists and mass media personnel while they carry out their duties with objectivity and fairness,

Recognizing that journalists and the mass media perform a distinct and critical role in bringing cases and situations of grave violations of human rights to the attention of the international community,

Noting that during the past 10 years more than 600 journalists were killed in the course of carrying out their duties or because of them,

1. *Welcomes* the report prepared by Mr. Waleed Sadi entitled 'Protection of journalists' (E/CN.4/Sub.2/1990/17);

2. *Decides* to authorize the Chairman to entrust Mr. Sadi with the preparation of a preliminary study on ways and means to extend additional protection and assistance to journalists and mass media personnel while they carry out their duties with objectivity and fairness, with a view to exploring the possibility of developing some basic principles and guidelines in this respect;

3. Invites the Rapporteur, in particular: (a) to analyse the different kinds of violations of journalistic rights, (b) to elaborate specific guarantees that may be necessary if journalists are to be able to pursue effectively their reporting of human rights violations, and (c) to propose concrete measures which the United Nations and member Governments might take to help protect and assist journalists and mass media personnel;

4. Decides to consider the above-mentioned study at its forty-third session;

5. Requests the Commission on Human Rights to recommend to the Economic and Social Council to authorize the undertaking of this study by Mr. Sadi".

102. At the same meeting, statements in connection with the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Guissé and Mr. Joinet.

103. Mr. van Boven proposed postponing further discussion on draft resolution E/CN.4/Sub.2/1990/L.45 until the forty-third session of the Sub-Commission.

104. The Sub-Commission decided subsequently to postpone further consideration of E/CN.4/Sub.2/1990/L.45 until its forty-third session.

105. For the text of the decision, as adopted, see chapter II, section B, decision 1990/116.

106. At the 33rd meeting, on 30 August 1990, Mr. Despouy introduced draft decision E/CN.4/Sub.2/1990/L.48. Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes and Ms. Ksentini subsequently joined as sponsors.

107. At the same meeting, statements relating to the draft decision were made by Mr. Alfonso Martínez, Ms. Bautista, Mr. Joinet, Mr. Guissé and Ms. Ksentini.

108. At the same meeting, Mr. Alfonso Martínez proposed to amend the draft decision by inserting the words "on a priority basis" after the word "decides".

109. Ms. Ksentini proposed the amendment of substituting the words "revised report" for the words "this report" in the fifth line of the draft decision.

110. At the 34th meeting, on 30 August 1990, Mr. Despouy revised the draft decision by substituting the following words "to give priority consideration to the updated report" for the words "to continue consideration of this report" and by inserting the words "; and request the Secretary-General to extend to the authors the assistance necessary to fulfil their mandate" after the word "concerned".

111. The draft decision, as revised and amended, was adopted without a vote.

112. For the text of the decision, as adopted, see chapter II, section B, decision 1990/117.

113. At the same meeting, Mr. Laghmari introduced draft decision E/CN.4/Sub.2/1990/L.54, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Despouy subsequently joined the sponsors.

114. The draft decision was adopted without a vote.

115. For the text of the decision, as adopted, see chapter II, section B, decision 1990/113.

116. At the 34th meeting, on 30 August 1990, the Sub-Commission considered draft decision E/CN.4/Sub.2/1990/L.62, sponsored by Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez, Ms. Palley and Mr. Ramishvili subsequently joined as sponsors.

117. At the same meeting, Mr. Treat proposed revising line 7 of the draft decision by inserting the word "updated" before the word "report". Ms. Daes proposed substituting the word "progress" for the word "updated".

118. Mr. Alfonso Martínez proposed amending the draft decision by inserting the words ". Further requests the Special Rapporteur to take into account in his future work the opinions expressed during the debate on his preliminary report at the forty-second session of the Sub-Commission" after the words "his work" in the sixth line of the draft decision.

119. Ms. Daes proposed substituting the word "views" for the word "opinions".

120. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.69) of draft decision E/CN.4/Sub.2/1990/L.62.

121. The draft decision, as revised and further amended, was adopted without a vote.

122. For the text of the decision, as adopted, see chapter II, section B, decision 1990/118.

VI. ELIMINATION OF RACIAL DISCRIMINATION

A. Measures to combat racism and racial discrimination and the role of the Sub-Commission

123. The Sub-Commission considered sub-item 5 (a) at its 4th to 8th and 18th meetings, held from 8 to 13 and on 20 August 1990.

124. The Sub-Commission had before it the following documents in connection with its consideration of the sub-item:

> Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination by the Special Rapporteur, Mr. A. Eide (E/CN.4/Sub.2/1989/8 and Add.1);
>
> Report on the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers (E/CN.4/1990/50).
>
> Written statement by Disabled Peoples' International, a non-governmental organization in consultative status (Category II) (E/CN.4/Sub.2/1990/NGO/12).

125. The sub-item was introduced at the 4th meeting, on 8 August 1990, by the Deputy-Director of the Centre for Human Rights.

126. In the general debate on the sub-item, statements were made by the following members of the Sub-Commission: Ms. Attah (6th), Mr. Alfonso Martínez (4th and 7th), Mr. van Boven (4th and 6th), Ms. Daes (6th), Mr. Despouy (6th), Mr. Diaconu (6th), Mr. Eide (5th and 6th), Mr. Guissé (5th and 7th), Mr. Joinet (6th), Mr. Khalifa (5th), Ms. Ksentini (5th), Ms. Palley (4th, 5th and 6th), Mr. Saboia (6th), Mr. Sachar (5th and 7th), Mr. Sadi (5th), Mr. Suescún Monroy (7th), Mr. Treat (7th), Ms. Warzazi (4th, 5th and 6th), Mr. Zhan Daode (6th).

127. The Sub-Commission also heard statements by the following non-governmental organizations: Baha'i International Community (6th), Four Directions Council (5th), International Federation of Human Rights (5th), International League for Human Rights (7th), International Organization for the Elimination of All Forms of Racial Discrimination (7th), International Work Group for Indigenous Affairs (7th), Liberation (7th), Minority Rights Group (6th), National Aboriginal and Islander Legal Services Secretariat (7th), Pax Christi International (5th), World Union for Progressive Judaism (7th).

128. Statements equivalent to a right of reply were made by the Observers for Bangladesh (8th), Indonesia (5th), Iraq (6th) and the Syrian Arab Republic (8th).

129. At the 7th meeting, on 13 August 1990, the Special Rapporteur, Mr. Eide, presented his concluding remarks.

130. At the 5th meeting, on 9 August 1990, draft decision E/CN.4/Sub.2/1990/L.2, entitled "Measures to combat racism" was submitted by Ms. Palley. The draft decision was subsequently withdrawn.

131. The draft decision read as follows:

> "At its ... meeting, on ... August 1990, the Sub-Commission, mindful of the Declaration on *Apartheid* and its Destructive Consequences in southern Africa, adopted on 14 December 1989 by the sixteenth special session of the General Assembly, decided to recommend to the Secretary-General, as a matter of the highest priority, that technical assistance be offered, from the programme of advisory services in the field of human rights, in consultation with other agencies in the United Nations system, to those seeking a peaceful and negotiated end to *apartheid* and the establishment of a genuinely unified, democratic, non-racial society, including liberation movements, mass democratic organizations, and trade union associations."

132. At the 8th meeting, on 13 August 1990, draft resolution E/CN.4/Sub.2/1990/L.3, entitled "Situation in the Middle East" was submitted by Mr. Sachar. The draft resolution was subsequently withdrawn.

133. The draft resolution read as follows:

"*The Sub-Commission on Prevention of Discrimination and Protection of Minorities*,

Recalling the various resolutions of the General Assembly and the Commission on Human Rights concerning the practices of the Israeli occupation authorities affecting the human rights in Palestinian and other Arab territories occupied by Israel,

Recalling its resolution 1989/4 of 31 August 1989, which supported a call to convene an international peace conference on the Middle East with the participation of all parties to the conflict, including the Palestine Liberation Organization, as an equal partner,

Bearing in mind Commission on Human Rights resolutions 1990/1 and 1990/2 of 16 February 1990, and especially 1990/6 of 19 February 1990, wherein a request was made to the Secretary-General to transmit the resolution to the Government of Israel with a view to its implementation, and noting with regret that no steps have been taken by Israel to implement the resolution,

Noting that the United States has called off talks with the Palestine Liberation Organization, making the totally unacceptable excuse that some extremist groups have not given up the practice of terrorism, and unfairly accusing the Palestine Liberation Organization and Mr. Arafat of condoning terrorism,

Realizing that the situation in the Middle East has become suddenly dangerous and that unless immediate peace talks take place between the parties, as mentioned in Sub-Commission resolution 1989/4, a great tragedy of untold proportions involving the entire Middle East may erupt, Requests the Secretary-General to convene an immediate meeting of the concerned parties, including Israel and the Palestine Liberation Organization, where action could be decided to implement the steps suggested in the earlier resolutions."

134. At the 18th meeting, on 20 August 1990, Ms. Ksentini introduced draft resolution E/CN.4/Sub.2/1990/L.5, sponsored by Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Mr. Tian Jin and Mr. Yimer. Ms. Daes and Ms. Warzazi subsequently joined the sponsors.

135. Ms. Ksentini, on behalf of all the sponsors, orally revised the text of the draft resolution by replacing its operative paragraphs 6 and 7 with the following new text:

> "6. Requests the Secretary-General to consider ways and means, including mechanisms necessary to respond to urgent situations and new trends involving racism or racial discrimination, in any part of the world, and to prepare an outline, for consideration by the Sub-Commission at its forty-third session, of possible activities for increasing the effectiveness of United Nations action to combat racism and racial discrimination, reflecting the principles contained in this resolution."

136. Mr. Alfonso Martínez proposed amending the revised paragraph 6 by deleting the words, ", including mechanisms".

137. In relation to operative paragraph 3, Mr. Sadi proposed that the phrase "economic and social measures" be amended to read "economic, social and education measures".

138. Mr. Eide proposed amending the draft resolution by inserting a new operative paragraph as contained in E/CN.4/Sub.2/1990/L.13, reading as follows:

> "6. Requests the Secretary-General to explore ways by which the Sub-Commission can have at its forty-third session, a joint meeting for one day with the Committee on the Elimination of Racial Discrimination;".

139. Ms. Warzazi proposed amending preambular paragraph 11 by substituting the words "Convinced of the need for the proclamation by the General Assembly" for "Believing that the General Assembly should consider proclaiming" and by inserting the word "of" before the words "a third Decade". In connection with operative paragraph 2, she proposed substituting the words "and to combat all other forms of racism and racial discrimination, including those practised" for ", as well as to combat racism and racial discrimination". With regard to Mr. Eide's proposal for a new operative paragraph, Ms. Warzazi proposed substituting the words "organize at the" for "explore ways by which the Sub-Commission can have at its" and to insert the words "of the Sub-Commission" after "forty-third session". In relation to operative paragraph 3, Ms. Warzazi proposed amending Mr. Sadi's proposal by inserting "information" after "education".

140. A statement relating to the draft resolution and the amendments thereto was made by Mr. Guissé.

141. The draft resolution, as amended, was adopted without a vote.

142. For the text of the resolution as adopted, see chapter II, section A, resolution 1990/1.

143. At the 18th meeting, held on 20 August 1990, Mr. Alfonso Martínez introduced draft resolution E/CN.4/Sub.2/1990/L.6, submitted by Mr. Alfonso Martínez, Ms. Ksentini, Mr. Joinet, Mr. Suescún Monroy, Ms. Warzazi and Mr. Yimer. Ms. Bautista and Mr. Guissé subsequently joined the sponsors.

144. Mr. van Boven proposed the insertion of a new operative paragraph in E/CN.4/Sub.2/1990/L.14, between operative paragraphs 1 and 2, reading as follows:

> "2. Decides to transmit the recommendations contained in his study, as revised in the light of the discussion at the present session of the Sub-Commission, to the Secretary-General so that they may be taken into account in further efforts to combat racism and racial discrimination;".

145. Mr. Sadi proposed the following amendments to the text contained in E/CN.4/Sub.2/1990/L.6: in preambular paragraph 5, substitute "an upsurge" for "a revival"; in preambular paragraph 6, substitute "eradicating" for "putting an end to"; in operative paragraph 2, substitute "an additional" for "a new".

146. Mr. Guissé proposed revising preambular paragraph 5 by inserting the words "and religious" after "national" and to delete "other".

147. Ms. Daes proposed amending preambular paragraph 5 by inserting "and linguistic" and to delete "other".

148. Statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Mr. Eide, Mr. Joinet, Ms. Ksentini and Ms. Warzazi.

149. The draft resolution, as amended, was adopted without a vote.

150. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/2.

B. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

151. The Sub-Commission considered sub-item 5 (b) at its 11th to 13th and 18th meetings, held on 15, 16 and 20 August 1990.

152. The Sub-Commission had before it the following document in connection with its consideration of the sub-item:

Updated report by the Special Rapporteur, Mr. Khalifa (E/CN.4/Sub.2/1990/13 and Add.1).

153. The sub-item was introduced at the 11th meeting, held on 15 August 1990, by the Under-Secretary-General for Human Rights.

154. At the same meeting, the Special Rapporteur introduced his report.

155. In the general debate on the sub-item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (13th), Mr. van Boven (11th), Ms. Daes (13th), Mr. Eide (12th), Mr. Guissé (11th), Mr. Heller (11th), Mr. Ilkahanaf (11th), Mr. Joinet (13th), Ms. Ksentini (12th), Ms. Mbonu (12th), Mr. Sachar (11th), Mr. Sadi (12th), Mr. Treat (11th), Ms. Warzazi (11th), Mr. Yimer (11th).

156. The Sub-Commission heard statements by the Observers for Egypt (12th), Senegal (12th) and the Syrian Arab Republic (12th).

157. A statement was made by the Observer for the Pan Africanist Congress of Azania (12th).

158. A statement was also made by the following non-governmental organization: National Aboriginal and Islander Legal Services Secretariat (12th).

159. At the 13th meeting, on 16 August 1990, the Special Rapporteur, Mr. Khalifa, presented his concluding remarks.

160. At the 18th meeting, held on 20 August 1990, Ms. Warzazi introduced draft resolution E/CN.4/Sub.2/1990/L.9, sponsored by Mr. Alfonso Martínez, Ms. Attah, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Ramishvili, Mr. Saboia, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Bautista, Ms. Palley and Mr. Sachar subsequently joined the sponsors.

161. Ms. Attah and Mr. Guissé proposed revising preambular paragraph 3 of the draft resolution contained in operative paragraph 3 by substituting the word "President" for "Prime Minister".

162. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.16) of draft resolution E/CN.4/Sub.2/1990/L.9.

163. The draft resolution, as revised, was adopted without a vote.

164. For the text of the resolution as adopted, see chapter II, section A, resolution 1990/3.

VII. QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII)

165. The Sub-Commission considered item 6 at its 12th to 17th, 19th to 23rd, 34th and 36th meetings, held on 15 to 23, 30 and 31 August 1990.

166. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the sessional Working Group established pursuant to Sub-Commission decision 1989/104 (E/CN.4/Sub.2/1990/14);

Note by the Secretary-General pursuant to Sub-Commission resolution 1989/4 concerning the situation in the Palestinian and other Arab territories occupied by Israel (E/CN.4/Sub.2/1990/15);

Note by the Secretary-General pursuant to Sub-Commission resolution 1989/10 concerning the situation of human rights in the Islamic Republic of Iran (E/CN.4/Sub.2/1990/16);

Letter dated 14 May 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights (E/CN.4/Sub.2/1990/49);

Letter dated 20 August 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/50);

Letter dated 21 August 1990 from the Chargé d'affaires of the Permanent Mission of the United States of America to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1990/53);

Letter dated 22 August 1990 from the Permanent Mission of Lebanon to the Chairman of the forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/Sub.2/1990/55);

Working paper submitted by Mr. Chernichenko (E/CN.4/Sub.2/1990/56);

Working paper submitted by Mr. van Boven (E/CN.4/Sub.2/1990/57);

Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/2);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/6);

Written statement submitted by the International League for the Rights and Liberation of Peoples, Service, Justice and Peace in Latin America, and the International Association of Democratic Lawyers, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/10);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/19);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/20);

Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/25);

Written statement submitted by International Educational Development Inc., a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/26);

Written statement submitted by the Romani Union, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/27);

Written statement submitted by Friends of the Earth International, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/28);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/29);

Report of the Secretary-General on the question of the violation of human rights in the occupied Arab territories, including Palestine (E/CN.4/1990/3);

Report on the human rights situation in the Islamic Republic of Iran by the Special Representative of the Commission on Human Rights, Mr. Reynaldo Galindo Pohl, pursuant to Commission resolution 1989/66 (E/CN.4/1990/24);

Report on the situation of human rights in Afghanistan prepared by the Special Rapporteur, Mr. Felix Ermacora, in accordance with Commission on Human Rights resolution 1989/67 (E/CN.4/1990/25);

Final report on the situation of human rights in El Salvador, submitted by the Special Representative of the Commission on Human Rights, Mr. José Antonio Pastor Ridruejo, pursuant to Commission resolution 1989/68 (E/CN.4/1990/26);

Report of the Secretary-General on the situation of human rights in Albania, submitted pursuant to Commission on Human Rights resolution 1989/69 (E/CN.4/1990/27);

Report on Guatemala by the Expert, Mr. Héctor Gross Espiell, prepared in accordance with paragraph 9 of Commission resolution 1989/74 (E/CN.4/1990/45 and Add.1);

Note by the Secretary-General on the situation in China, submitted pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/5 (E/CN.4/1990/52);

Letter dated 12 January 1990 from the Permanent Representative of the People's Republic of China to the United Nations addressed to the Secretary-General (E/CN.4/1990/55);

Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/44/620).

167. At the 12th meeting, on 15 August 1990, the Under-Secretary-General for Human Rights introduced the item.

168. In the general debate on item 6, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (16th and 23rd), Ms. Attah (19th), Ms. Bautista (15th and 20th), Mr. van Boven (14th and 20th), Mr. Chernichenko (14th, 19th and 21st), Ms. Daes (19th), Mr. Despouy (15th and 19th), Mr. Eide (14th, 15th, 16th, 20th and 23rd), Mr. Guissé (15th, 17th and 19th), Mr. Heller (19th), Mr. Ilkahanaf (19th), Mr. Joinet (15th and 20th), Mr. Khalifa (15th), Ms. Ksentini (14th and 23rd), Mr. Maxim (20th), Mr. Merills (14th and 23rd), Ms. Palley (20th), Mr. Saboia (19th), Mr. Sachar (15th and 20th), Mr. Sadi (15th, 20th and 21st), Mr. Suescún Monroy (19th), Mr. Treat (20th), Mr. Tian Jin (17th), Ms. Warzazi (14th, 17th, 19th and 21st).

169. Statements were made by the Observers for Bahrain (22nd), Burundi (16th), China (17th), Colombia (16th), Cyprus (17th), Egypt (22nd), El Salvador (14th), Ethiopia (22nd), Indonesia (22nd), Iraq (22nd), Kuwait (14th), Lebanon (17th), Morocco (22nd), Myanmar (17th), Peru (22nd), Portugal (22nd), Sri Lanka (23rd), Syrian Arab Republic (17th) and Turkey (22nd).

170. The Sub-Commission also heard a statement by the Observer for Palestine (17th).

171. Statements were made by the following non-governmental organizations: American Association of Jurists (14th), Amnesty International (13th), Arab Lawyers Union (13th), Arab Organization for Human Rights (13th), Bahá'í International Community (15th), Centre Europe-Tiers Monde (14th and 15th), Co-ordinating Board of Jewish Organizations (21st), Four Directions Council (14th), Grand Council of the Crees (of Quebec) (14th), Habitat International Coalition (20th), Human Rights Advocates (13th), International Association Against Torture (20th), International Association for the Defence of Religious Liberty (13th), International Association of Educators for World Peace (21st), International Commission of Health Professionals for Health and Human Rights (21st), International Commission of Jurists (20th), International Educational Development Inc. (21st), International Falcon Movement - Socialist Educational International (20th),

International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and other Minorities (16th), International Federation of Human Rights (13th), International Federation Terre des Hommes (20th), International Fellowship of Reconciliation (21st), International Human Rights Law Group (20th), International Indian Treaty Council (21st), International League for Human Rights (16th), International League for the Rights and Liberation of Peoples (14th), International Movement for Fraternal Union Among Races and Peoples (21st), International Organization for the Elimination of All Forms of Racial Discrimination (20th), International Work Group for Indigenous Affairs (20th), Latin American Federation of Associations of Relatives of Disappeared Persons (16th), Liberation (14th), Minority Rights Group (16th), Movement Against Racism and for Friendship among Peoples (14th), National Aboriginal and Islander Legal Services Secretariat (21st), National Indian Youth Council (21st), Pax Christi (13th), Pax Romana (21st), Service, Justice and Peace in Latin America (13th), Union of Arab Jurists (20th), Women's International League for Peace and Freedom (21st), World Association for World Federation (20th), World Confederation of Labour (16th), World Conference on Religion and Peace (21st), World Federation of Trade Unions (20th), World Jewish Congress (21st), World Union for Progressive Judaism (20th), World University Service (21st).

172. Statements equivalent to a right of reply were made by the Observers for Bangladesh (23rd), Cambodia (20th), Canada (20th), China (22nd), Cuba (15th), Cyprus (23rd), El Salvador (23rd), Guatemala (19th), Honduras (17th), India (23rd), Indonesia (23rd), Iraq (14th and 20th), Israel (19th), Kuwait (15th), Libyan Arab Jamahiriya (17th), Mauritania (22nd), Morocco (14th), Portugal (23rd), Somalia (23rd), Sri Lanka (14th), Syrian Arab Republic (14th), Tunisia (14th), Turkey (23rd), Viet Nam (15th), Yugoslavia (15th).

173. Statements equivalent to a second right of reply were made by the Observers for Bangladesh (23rd), Cyprus (23rd), India (23rd), Iraq (17th), Yugoslavia (17th).

174. At the 23rd meeting, on 23 August 1990, the Sub-Commission decided, by a roll-call vote of 17 votes to 3, with 4 abstentions, to suspend rule 54 of the Rules of Procedure of the Functional Commissions of the Economic and Social Council for the purpose of protecting the independence of experts for the time necessary to vote on the draft resolutions under agenda item 6 at the forty-second session of the Sub-Commission (see chap. III, paras. 25-28).

175. For the text of the decision, as adopted, see chapter II, section B, decision 1990/105.

176. At the 34th meeting, on 30 August 1990, Ms. Daes introduced draft resolution E/CN.4/Sub.2/1990/L.19, sponsored by Ms. Bautista, Mr van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Bautista subsequently withdrew her sponsorship of the draft resolution.

177. Mr Carey proposed amending operative paragraph 2 by inserting the words "or threat of assassination" after "every assassination" and by inserting "or other persons" after "political dissidents".

178. The draft resolution, as amended, was adopted without a vote.

179. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/8.

180. At the 34th meeting, on 30 August 1990, Mr. Eide introduced draft resolution E/CN.4/Sub.2/1990/L.21, sponsored by Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet and Ms. Palley.

181. The draft resolution was subsequently withdrawn by the sponsors.

182. The draft resolution read as follows:

"The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules on international humanitarian law,

Alarmed by recent and repeated allegations of gross violations of human rights and acts which contravene the fourth Geneva Convention and international refugee law, including refoulement and the forced relocation of women and children from border camps to combat zones,

Convinced that the fundamental rights of all persons must be respected to ensure the realization of a viable political settlement,

Mindful of the atrocities reaching the level of genocide committed in particular during the period of Khmer Rouge rule from 1975 to 1978,

Mindful also of the analysis of the situation prepared for the thirty-first and thirty-second sessions of the Sub-Commission by its Expert Member, Mr. A. Bouhdiba, and its resolution 11 (XXXI) of 15 September 1978,

1. Appeals to all States, in accordance with General Assembly resolution 3074 (XXVIII) of 3 December 1973 entitled "Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity", to take all steps called for in that resolution to detect, arrest, extradite or bring to trial those who have been responsible for crimes against humanity committed in Cambodia;

2. Calls on all parties involved in the search for a peaceful settlement and the establishment of a democratic political system in Cambodia to take all necessary safeguards to prevent the return to government positions of those who were responsible for genocidal actions during the period 1975 to 1978;

3. Requests the Secretary-General to submit a report to the forty-seventh session of the Commission on Human Rights on the human rights and humanitarian dimensions of the situation of Cambodians in camps along the Thai-Cambodian border based on information obtained from all reliable sources including the United Nations Border Relief Operation, the Coalition Government of Democratic Kampuchea, and other parties involved."

183. At the 34th meeting, on 30 August 1990, Ms. Palley introduced draft resolution E/CN.4/Sub.2/1990/L.23, sponsored by Mr. van Boven, Ms. Daes, Mr. Eide, Ms. Palley and Mr. Treat. Ms. Bautista subsequently withdrew her sponsorship of the draft resolution.

184. The sponsors revised the draft resolution by reformulating the fourth preambular paragraph to read:

> "Concerned also at reports of grave violations of the right to equality of women,",

by the insertion of a new preambular paragraph 5 to read:

> "Noting that the situation of the Bahá'í in the Islamic Republic of Iran continues to be uncertain,",

and by inserting in operative paragraph 4 the words ", including the situation of minority groups such as the Bahá'í" after "Iran".

185. Ms. Ksentini proposed an amendment by inserting a new operative paragraph 3, reading as follows:

> "Welcomes the decision of the Government of the Islamic Republic of Iran to invite the Special Rapporteur to visit that country and the co-operation provided by the Government of the Islamic Republic of Iran in the course of the visit as well as its commitment to continue the co-operation;".

186. Mr. Eide proposed an amendment, conditional on the adoption by the Sub-Commission of Ms. Ksentini's proposed amendment, for the insertion of a new operative paragraph to follow immediately after the paragraph proposed by Ms. Ksentini, reading as follows:

> "Expresses regret, however, that serious obstacles appear to have been placed in the way of persons or groups which sought to provide information on violations of human rights;".

187. Statements relating to the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez, Ms. Bautista, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Ms. Mbonu and Ms. Palley.

188. The Observer for the Islamic Republic of Iran made a statement.

189. The draft resolution, as revised and amended, was adopted by secret ballot by 14 votes to 5, with 5 abstentions.

190. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/9.

191. At the 34th meeting, on 30 August 1990, Ms. Mbonu introduced draft resolution E/CN.4/Sub.2/1990/L.24, sponsored by Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer. Ms. Bautista subsequently joined as a sponsor.

192. The sponsors revised operative paragraph 13 of the draft resolution by inserting the word "recently" between "have" and "established" in line 1.

193. The draft resolution was adopted without a vote.

194. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/10.

195. At the 34th meeting, on 30 August 1990, Mr. Heller introduced draft resolution E/CN.4/Sub.2/1990/L.32, sponsored by Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Joinet, Mr. Saboia and Mr. Suescún Monroy.

196. The draft resolution was adopted without a vote.

197. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/11.

198. At the 34th meeting, on 30 August 1990, Ms. Ksentini introduced draft resolution E/CN.4/Sub.2/1990/L.34, sponsored by Mr. Alfonso Martínez, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Sachar, Mr. Sadi and Mr. Tian Jin.

199. Statements relating to the draft resolution were made by Mr. van Boven and Ms. Palley.

200. Mr. Carey requested that a vote be taken on the draft resolution.

201. The draft resolution was adopted by secret ballot by 18 votes to 1, with 4 abstentions.

202. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/12.

203. At the 34th meeting, on 30 August 1990, Mr. van Boven introduced draft resolution E/CN.4/Sub.2/1990/L.35, sponsored by Ms. Bautista, Mr. van Boven, Mr. Eide, Mr. Hatano, Mr. Joinet, Mr. Merills, Mr. Suescún Monroy, Mr. Treat and Mr. Yimer. Mr. Despouy subsequently joined as a sponsor.

204. Mr. Treat proposed revising the draft resolution by inserting two new preambular paragraphs to read as follows:

> "*Horrified* by the statements of President Saddam Hussein that innocent civilians will be moved to sensitive military areas in defiance of international law,
>
> *Disturbed* that diplomatic personnel are being detained without food or water or electricity in total disregard of humanitarian considerations,"

and a new operative paragraph to read as follows:

> "*Recommends further* that the Secretary-General be requested to express to President Saddam Hussein the deep concerns of this body for the violations of international law.".

205. Mr. Yimer revised operative paragraph 4 by deleting the word "carefully".

206. Ms. Ksentini proposed amending the draft resolution by inserting one new preambular paragraph as follows:

> "Deeply concerned by the fact that the sanctions decided upon by the Security Council against Iraq may cause untold suffering to the innocent civilian population if they were to be deprived of basic food and medicine,",

and one new operative paragraph as follows:

> "Urgently appeals to those who, in compliance with Security Council resolution 661, are participating in sanctions against Iraq, not to deprive innocent civilian populations of basic food and medicine.".

207. Mr. Eide proposed revising the preamble of the draft resolution by the insertion of an additional paragraph reading as follows:

> "Noting that in Security Council resolution 661, exception from the trade embargo has been made for necessary medicine and, in humanitarian circumstances, foodstuffs,".

208. Mr. Ilkahanaf proposed amending the draft resolution by deleting preambular paragraph 3.

209. Ms. Palley proposed amending the draft resolution by inserting a new operative paragraph between existing paragraphs 3 and 4, as follows:

> "Condemns threats made by President Saddam Hussein to use weapons of mass destruction, including chemical and biological weapons in certain circumstances;".

210. Statements relating to the draft resolution and its proposed amendments were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Ms. Palley, Mr. Suescún Monroy, Mr. Tian Jin, Mr. Treat and Mr. Yimer.

211. Mr. Saboia moved a motion in accordance with rule 65 (2) of the rules of procedure of the functional commissions of the Economic and Social Council that no decision be taken on the proposed revisions and amendments.

212. Mr. Heller requested a vote on the motion.

213. The motion was carried by secret ballot by 17 votes to 6, with 1 abstention.

214. The Observer for Iraq made a statement.

215. Mr. Alfonso Martínez requested separate votes on preambular paragraph 3 and operative paragraph 4.

216. Preambular paragraph 3 was retained by secret ballot by 16 votes to 4, with 4 abstentions.

217. Operative paragraph 4 was retained by secret ballot by 18 votes to 6, with no abstentions.

218. Mr. Heller requested a vote on the draft resolution as a whole.

219. The draft resolution was adopted by secret ballot by 19 votes to 4, with 1 abstention.

220. For the text of the resolution, as revised, see chapter II, section A, resolution 1990/13.

221. At the 34th meeting, on 30 August 1990, Mr. Despouy introduced draft resolution E/CN.4/Sub.2/1990/L.39, sponsored by Mr. Despouy, Mr. Heller, Mr. Saboia and Mr. Suescún Monroy. Mr. van Boven and Mr. Carey subsequently joined as sponsors.

222. Statements relating to the draft resolution were made by Mr. Alfonso Martínez, Mr. van Boven, Mr. Carey, Mr. Eide, Mr. Guissé and Mr. Joinet.

223. The Observer for El Salvador made a statement.

224. The draft resolution was adopted without a vote.

225. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/14.

226. At the 34th meeting, on 30 August 1990, Mr. Joinet introduced draft resolution E/CN.4/Sub.2/1990/L.41, sponsored by Ms. Daes, Mr. Joinet and Mr. Merills. Mr. Eide subsequently joined as a sponsor.

227. The draft resolution was revised by the sponsors by inserting at the end of preambular paragraph 2 ", in order to guarantee full respect for human rights", and by replacing in operative paragraph 1 "comprehensive solution to the problem of" by "settlement guaranteeing full respect for human rights in".

228. Statements relating to the draft resolution were made by Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Ms. Palley and Mr. Treat.

229. The Observer for Indonesia made a statement.

230. Mr. Joinet requested that a vote be taken on the draft resolution.

231. The draft resolution, as revised, was adopted by secret ballot by 14 votes to 9, with 1 abstention.

232. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/14.

233. At the 34th meeting, on 30 August 1990, the Sub-Commission decided, without a vote, to discuss the situation in Lebanon at its forty-third session.

234. For the text of the decision, as adopted, see chapter II, section B, decision 1990/121.

235. At the 36th meeting, on 31 August 1990, Mr. van Boven, Chairman/Rapporteur of the open-ended Working Group established pursuant to Sub-Commission decision 1989/104, introduced the report of the Working Group (E/CN.4/Sub.2/1990/14).

236. At the same meeting, the Sub-Commission decided, without a vote, to take note of the report and that the Working Group should continue its work at the forty-third session of the Sub-Commission.

237. For the text of the decision, as adopted, see chapter II, section B, decision 1990/125.

VIII. THE NEW INTERNATIONAL ECONOMIC ORDER AND THE PROMOTION OF HUMAN RIGHTS

A. The role and equal participation of women in development

238. The Sub-Commission considered item 7 together with item 8 at its 30th, 31st and 34th meetings, held on 28 to 30 August 1990.

239. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/11);
>
> Written statement submitted by the International Commission for Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/30);
>
> Report of the Commission on the Status of Women (E/1990/25);
>
> Report of the Committee on the Elimination of Discrimination against Women (E/1990/31).

240. The item was introduced at the 30th meeting, on 28 August 1990, by the Under-Secretary-General for Human Rights.

241. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (31st), Ms. Bautista (30th), Mr. Guissé (30th), Mr. Khalil (30th), Ms. Mbonu (30th), Mr. Sachar (30th), Mr. Suescún Monroy (31st) and Mr. Zhan Daode (30th).

242. The Sub-Commission heard a statement by the Observer for Peru (30th).

243. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (30th), Disabled Peoples International (30th), Four Directions Council (30th), International Commission of Health Professionals for Health and Human Rights (30th), International League for the Rights and Liberation of Peoples (30th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th).

244. At the 34th meeting, on 30 August 1990, Mr. Despouy introduced draft decision E/CN.4/Sub.2/1990/L.31, sponsored by Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu and Ms. Palley. Mr. Alfonso Martínez and Mr. Sachar subsequently joined as sponsors.

245. At the same meeting, statements on the draft decision were made by Mr. Alfonso Martínez, Mr. Despouy, Ms. Mbonu and Mr. Suescún Monroy.

246. Mr. Alfonso Martínez proposed amending the draft decision by deleting the words ", intended to explore ... actual situation".

247. The draft decision, as amended, was adopted without a vote.

248. For the text of the decision, as adopted, see chapter II, section B, decision 1990/119.

IX. THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

249. The Sub-Commission considered item 8 together with item 7 at its 30th, 31st and 34th meetings, held on 28 to 30 August 1990.

250. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Progress report by the Special Rapporteur (E/CN.4/Sub.2/1990/19);

Written statement submitted by FIAN (Food first Information and Action Network), a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/8);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/16);

Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/32);

Report of the Secretary-General on popular participation in its various forms as an important factor in development and in the full realization of all human rights (E/CN.4/1990/8);

Preliminary report by the Special Rapporteur (E/CN.4/Sub.2/1989/19).

251. The item was introduced at the 30th meeting, on 28 August 1990, by the Under-Secretary-General for Human Rights.

252. At the 30th meeting the Special Rapporteur introduced his progress report.

253. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (31st), Ms. Bautista (30th), Ms. Daes (31st), Mr. Eide (30th), Mr. Flinterman (30th), Mr. Guissé (30th), Mr. Joinet (30th), Mr. Khalil (30th), Ms. Ksentini (30th), Ms. Mbonu (30th), Mr. Sachar (30th), Mr. Suescún Monroy (31st) and Mr. Treat (30th).

254. The Sub-Commission heared statements by the Observers for Brazil (30th) and Peru (30th).

255. The Sub-Commission also heard statements by the following non-governmental organizations: American Association of Jurists (30th), Disabled Peoples International (30th), Four Directions Council (30th), Habitat Coalition International (30th), International Commission of Health Professionals for Health and Human Rights (30th), International Federation of Human Rights (30th), International League for the Rights and Liberation of Peoples (30th), International Movement A.T.D. Fourth World (30th), Latin American Federation of Associations of Relatives of Disappeared Detainees (30th), Liberation (30th), Survival International (30th), World Conference on Religion and Peace (30th), World Federation of Trade Unions (30th).

256. A statement equivalent to a right of reply was made by the Observer for Indonesia (32nd).

257. At its 26th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session, decided, without a vote, to make a strong appeal in public, on the grounds of human rights and humanitarian law, to all those participating in sanctions against Iraq not to prevent the delivery of necessary food and medicine.

258. At the 30th meeting, on 28 August 1990, the Chairman made a statement in connection with the adoption of this decision.

259. Statements in connection with the adoption of the decision were made by Mr. Eide (30th), Ms. Palley (30th) and Mr. Treat (30th).

260. For the text of the decision, as adopted, see chapter II, section B, decision 1990/108.

261. At the 34th meeting, on 30 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.37, sponsored by Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Merills, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez subsequently joined as a sponsor.

262. At the same meeting, a statement on the draft decision was made by Mr. Alfonso Martínez.

263. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.59) of draft resolution E/CN.4/Sub.2/1990/L.37.

264. The draft resolution was adopted without a vote.

265. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/16.

266. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.52, sponsored by Mr. van Boven. Ms. Daes, Ms. Ksentini and Ms. Palley subsequently joined as sponsors.

267. Ms. Daes proposed certain amendments to the draft resolution in E/CN.4/Sub.2/1990/L.60. Ms. Daes revised the proposed amendments by substituting "including" for "and" in paragraph 1 and for the first reference thereto in paragraph 3; substituting "5" for "7" and "original" for "indigenous" in paragraph 2; and deleting paragraph 4.

268. Ms. Ksentini proposed amending E/CN.4/Sub.2/1990/L.60 by inserting "and the political, cultural, religious and other characteristics" after "demographic structure" in paragraph 2, and by inserting "and settlements" after every reference to "settlers".

269. Ms. Palley proposed amending draft resolution E/CN.4/Sub.2/1990/L.52 so that paragraph 7 should read: "Concerned that the movement of people is often achieved either without free and informed consent of those people being moved or without the consent of those people into whose territory they are being moved,".

270. The draft resolution, as amended, was adopted without a vote.

271. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/17.

X. COMMUNICATIONS CONCERNING HUMAN RIGHTS: REPORT OF THE WORKING GROUP ON COMMUNICATIONS ESTABLISHED UNDER SUB-COMMISSION RESOLUTION 2 (XXIV) IN ACCORDANCE WITH ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1503 (XLVIII)

272. The Sub-Commission considered item 9 of its agenda at its 27th to 30th closed meetings and at its 35th and 36th meetings, held on 27, 28 and 31 August 1990.

273. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group (Working Group on Communications) of not more than five of its members to meet annually for 10 working days, immediately before each session of the Sub-Commission, to consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959, including replies of Governments thereon, with a view to bringing to the attention of the Sub-Commission those communications which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms.

274. The procedure to be followed by the Working Group on Communications in deciding on the admissibility of communications was established by Sub-Commission resolution 1 (XXIV) of 13 August 1971, and the Working Group itself was set up in accordance with Sub-Commission resolution 2 (XXIV) of 16 August 1971.

275. At the 28th meeting, on 27 August 1990, the Sub-Commission decided, by a roll-call vote of 18 votes to 3, with 4 abstentions, to suspend rule 59, so as to allow for voting by secret ballot, for the purpose of protecting the experts' independence when voting on proposals under Council resolution 1503 (XLVIII) at the forty-second session.

276. For the text of the decision, see chapter II, section B, decision 1990/111.

277. The Sub-Commission had before it a confidential report on the work of the eighteenth session of the Working Group on Communications, held from 23 July to 3 August 1990 (E/CN.4/Sub.2/1990/R.1 and addenda), certain communications which had been kept pending before the Sub-Commission since its forty-first session in 1989, as well as all Government replies relevant to the material before it. The Sub-Commission noted with satisfaction the demonstrated willingness of Governments to reply to communications forwarded to them under Economic and Social Council resolution 728 F (XXVIII). It welcomed this positive development in international co-operation, which is essential for the work of the bodies entrusted with the implementation of the procedure governed by Economic and Social Council resolution 1503 (XLVIII).

278. The Chairman/Rapporteur of the Working Group on Communications, Mr. van Boven, introduced the Working Group's report and drew attention, as appropriate, to the material which was pending before the Sub-Commission since its forty-first session.

279. Following the ensuing discussion, the Sub-Commission decided, pursuant to paragraph 5 of Economic and Social Council resolution 1503 (XLVIII), to refer to the Commission on Human Rights for consideration certain particular situations which appear to reveal a consistent pattern of gross and reliably

attested violations of human rights. The Sub-Commission decided to defer action on certain communications to its forty-third session in 1991 and to take no action with regard to certain other communications which it had before it.

280. At its 30th meeting (closed part) on 28 August 1990, the Sub-Commission decided, without a vote, to modify its decision 1989/102 of 25 August 1989, which afforded a minimum of five months to Governments for submitting replies to communications concerning alleged violations of human rights transmitted to them under Economic and Social Council resolution 728 F (XXVIII).

281. The Sub-Commission decided that the Working Group on Communications, acting under operative paragraph 1 of Economic and Social Council resolution 1503 (XLVIII), shall in the future consider only those communications that have been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meeting of the Working Group.

282. For the text of the decision, see chapter II, section B, decision 1990/112.

283. At its 35th meeting (closed part) on 31 August 1990, the Sub-Commission adopted a confidential report, pursuant to paragraph 8 of Council resolution 1503 (XLVIII), by which it communicated to the Commission on Human Rights its decisions taken under paragraph 5 of that resolution.

284. At its 36th meeting, on 31 August 1990, the Sub-Commission decided on the composition of its Working Group on Communications, which was to meet prior to its forty-third session.

285. For the composition of the Working Group, see chapter II, section B, decision 1990/126.

XI. THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES

A. Question of human rights of persons subjected to any form of detention and imprisonment

B. Question of human rights and states of emergency

C. Individualization of prosecution and penalties and repercussions of violations of human rights on families

D. The right to a fair trial

286. The Sub-Commission considered item 10 together with item 11 at its 21st, 24th to 27th and 34th to 36th meetings, held on 22 to 24, 27, 30 and 31 August 1990.

287. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Report of the Secretary-General containing information submitted by Governments pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1990/20 and Add.1);
>
> Report of the Secretary-General containing information submitted by specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 (E/CN.4/Sub.2/1990/21);
>
> Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat (E/CN.4/Sub.2/1990/22);
>
> Report of the Secretary-General giving succinct information on developments in the human rights programme and on the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1990/23);
>
> Report of the Secretary-General on the application of international standards concerning the human rights of detained juveniles prepared pursuant to Sub-Commission resolution 1989/31 (E/CN.4/Sub.2/1990/25 and Add.1 and 2);
>
> Report of the Secretary-General on the application of the death penalty to persons under 18 years of age prepared pursuant to Sub-Commission resolution 1989/32 (E/CN.4/Sub.2/1990/26 and Add.1 and 2);
>
> Report on the practice of administrative detention, submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1990/29);
>
> Report by Ms. Bautista, Special Rapporteur on the human rights of staff members of the United Nations system (E/CN.4/Sub.2/1990/30);
>
> Report of the sessional Working Group on Detention (E/CN.4/Sub.2/1990/32);

Working paper presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1990/33 and Add.1 and 2);

Brief report prepared by Mr. Stanislav Chernichenko and Mr. William Treat in accordance with resolution 1989/27 of the Sub-Commission (E/CN.4/Sub.2/1990/34);

Letter dated 21 August 1990 from the Permanent Representative of Cambodia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission (E/CN.4/Sub.2/1990/54);

Note by the Secretary-General (E/CN.4/Sub.2/1990/CRP.1);

Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/1);

Written statement submitted by the International Institute of Higher Studies in Criminal Sciences, a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/4);

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/18);

Detention of international civil servants and their families: note by the Secretary-General (E/CN.4/1990/14);

Report of the Secretary-General giving succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment (E/CN.4/Sub.2/1989/23);

Report on the practice of administrative detention, submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1989/27);

Protection of the human rights of United Nations staff members, experts and their families: preliminary report by Mrs. Mary Concepción Bautista (E/CN.4/Sub.2/1989/28);

Report of the Working Group on Detention (E/CN.4/Sub.2/1989/29/Rev.1);

Third annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur, appointed pursuant to Economic and Social Council resolution 1985/37 (E/CN.4/Sub.2/1989/30/Rev.1).

288. The item was introduced at the 21st meeting, held on 22 August 1990, by the Under-Secretary-General for Human Rights.

289. At the 24th meeting, on 23 August 1990, Ms. Bautista introduced her reports (E/CN.4/Sub.2/1990/28 and E/CN.4/Sub.2/1990/30).

290. At the same meeting, Mr. Chernichenko and Mr. Treat introduced their brief report (E/CN.4/Sub.2/1990/34).

291. At the same meeting, Mr. Despouy introduced his working paper (E/CN.4/Sub.2/1990/33 and Add.1 and 2).

292. At the same meeting, Mr. Joinet introduced his report (E/CN.4/Sub.2/1990/29).

293. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (27th), Ms. Bautista (27th), Mr. Despouy (27th), Mr. Eide (27th), Mr. Flinterman (27th), Mr. Hatano (27th), Mr. Ilkahanaf (27th), Ms. Ksentini (26th), Mr. Maxim (27th), Mr. Sachar (27th), Mr. Sadi (27th) and Mr. Suescún Monroy (25th).

294. Statements were also made by the following non-governmental organizations: American Association of Jurists (27th), Amnesty International (26th), Human Rights Advocates (25th), Indigenous World Association (26th), International Association against Torture (26th), International Association of Penal Law (26th), International Centre of Sociological, Penal and Penitentiary Research and Studies (25th), International Commission of Health Professionals for Health and Human Rights (26th), International Commission of Jurists (26th), International Council of Jewish Women (25th), International Educational Development Inc. (26th), International Federation of Human Rights (25th), International Federation Terre des Hommes (26th), International Human Rights Law Group (26th), International Institute of Higher Studies in Criminal Sciences (26th), International League for Human Rights (26th), International League for the Rights and Liberation of Peoples (26th), International Movement for Fraternal Union Among Races and Peoples (26th), Latin American Federation of Associations of Relatives of Disappeared Detainees (26th), Liberation (26th), Movement Against Racism and for Friendship among Peoples (26th), Pax Romana (26th), Service, Justice and Peace in Latin America (25th), World Federation of Trade Unions (25th), World Union for Progressive Judaism (26th).

295. Statements equivalent to a right of reply were made by the Observers for Chile (27th), India (27th), Indonesia (27th), Japan (27th), Kenya (27th) and Morocco (27th).

296. At the 27th meeting, on 27 August 1990, Ms. Bautista, Mr. Despouy, Mr. Joinet and Mr. Treat presented their concluding remarks.

297. At its 26th meeting, on 24 August 1990, the Sub-Commission, meeting in closed session, decided without a vote to make a strong appeal in public, on the grounds of human rights and humanitarian law, to the Government of Iraq to facilitate the immediate departure from Kuwait and Iraq of the nationals of third countries.

298. At the 27th meeting, on 27 August 1990, the Chairman made a statement in connection with the adoption of the decision.

299. Statements in connection with the adoption of the decision were made by Mr. Eide (30th), Ms. Palley (30th) and Mr. Treat (30th).

300. For the text of the decision, as adopted, see chapter II, section B, decision 1990/108.

301. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.27 sponsored by Ms. Daes, Mr. Hatano, Mr. Ilkahanaf, Ms. Ksentini, Ms. Palley, Mr. Sachar, Mr. Sadi, Ms. Warzazi and Mr. Yimer.

302. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.56) of draft resolution E/CN.4/Sub.2/1990/L.27.

303. The draft resolution was adopted without a vote.

304. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/18.

305. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.30, sponsored by Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Sadi, Mr. Suescún Monroy and Mr. Yimer. Mr. Sachar subsequently joined as a sponsor.

306. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.57) of draft resolution E/CN.4/Sub.2/1990/L.30.

307. The draft resolution was adopted without a vote.

308. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/19.

309. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.36, sponsored by Ms. Daes. Mr. van Boven, Mr. Despouy and Mr. Joinet subsequently joined as sponsors.

310. The draft resolution was adopted without a vote.

311. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/20.

312. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.38, sponsored by Mr. Hatano, Mr. Ilkahanaf and Mr. Joinet. Mr. Sachar subsequently joined as a sponsor.

313. The draft resolution was adopted without a vote.

314. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/21.

315. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft decision E/CN.4/Sub.2/1990/L.42, sponsored by Mr. Despouy. Ms. Bautista, Ms. Daes, Mr. Ilkahanaf and Mr. Joinet subsequently joined as sponsors.

316. The draft decision was adopted without a vote.

317. For the text of the decision, as adopted, see chapter II, section B, decision 1990/120.

318. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.46, sponsored by Ms. Bautista, Mr. Eide, Mr. Flinterman, Mr. Guissé, Mr. Maxim, Mr. Ramishvili, Mr. Sachar, Mr. Sadi and Mr. Suescún Monroy.

319. The draft resolution was adopted without a vote.

320. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/22.

321. At the 35th and 36th meetings, on 31 August 1990, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1990/L.20, sponsored by Mr. Guissé, Mr. Hatano, Mr. Joinet, Mr. Suescún Monroy and Mr. Türk. Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Flinterman, Mr. Heller, Mr. Ilkahanaf, Ms. Ksentini, Ms. Palley, Mr. Sachar and Mr. Yimer subsequently joined as sponsors.

322. At the 35th meeting, on 31 August 1990, Mr. Flinterman proposed amending the preamble by the insertion of a new preambular paragraph after existing preambular paragraph 3 reading as follows:

> "*Noting with appreciation* the participation and valuable observations of the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights and of various non-governmental organizations in the drafting of an international instrument to combat enforced or involuntary disappearances,".

323. At the same meeting, Mr. Alfonso Martínez proposed amending the proposed amendment by deleting the words "participation and" before the words "valuable observations".

324. In connection with these proposed amendments, Mr. Yokota proposed substituting the word "contributions" for the word "observations".

325. Statements in connection with the draft resolution and the proposed amendments thereto were made by Mr. Alfonso Martínez (35th), Ms. Bautista (35th), Mr. Chernichenko (35th), Ms. Daes (35th), Mr. Eide (35th), Mr. Heller (35th), Ms. Ksentini (35th), Ms. Palley (35th), Mr. Suescún Monroy (35th), Mr. Yimer (35th) and Mr. Yokota (35th).

326. At the 36th meeting the draft resolution, as amended, was adopted without a vote.

327. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/33.

328. At the 36th meeting, Mr. Hatano, the Rapporteur of the Working Group on Detention, introduced the report of the Working Group (E/CN.4/Sub.2/1990/32).

329. Mr. Joinet, Chairman of the Working Group, also made a statement (36th).

330. At the same meeting, the Sub-Commission decided to take note of the report of the Working Group.

331. For the text of the decision, as adopted, see chapter II, section B, decision 1990/124.

XII. INDEPENDENCE AND IMPARTIALITY OF THE JUDICIARY, JURORS AND ASSESSORS AND THE INDEPENDENCE OF LAWYERS

332. The Sub-Commission considered item 11 together with item 10 at its 21st, 24th to 27th and 34th meetings held on 22 to 24, 27 and 30 August 1990.

333. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Working paper prepared by Mr. Louis Joinet on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers in accordance with resolution 1989/32 of the Commission on Human Rights (E/CN.4/Sub.2/1990/35);

Report by the Special Rapporteur, Mr. L.M. Singhvi, pursuant to Sub-Commission resolution 1987/23 of 3 September 1987 (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1).

334. The item was introduced at the 21st meeting, held on 22 August 1990, by the Under-Secretary-General for Human Rights.

335. At the 24th meeting, on 23 August 1990, Mr. Joinet introduced his working paper.

336. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (27th), Mr. Eide (27th), Mr. Flinterman (27th), Mr. Guissé (27th), Mr. Ilkahanaf (27th), Mr. Maxim (27th), Mr. Sadi (27th).

337. The Sub-Commission heard a statement by the Observer for Colombia (26th).

338. Statements were also made by the following non-governmental organizations: American Association of Jurists (27th), Amnesty International (27th), Indigenous World Association (26th), International Association against Torture (26th), International Centre of Sociological, Penal and Penitentiary Research and Studies (25th), International Commission of Jurists (25th), International Federation of Human Rights (25th), International Human Rights Law Group (26th), International League for Human Rights (26th), Latin American Federation of Associations of Relatives of Disappeared Detainees (26th), Liberation (26th), Service, Justice and Peace in Latin America (25th).

339. Statements equivalent to a right of reply were made by the Observers for Ghana (27th), India (27th), Indonesia (27th), Japan (27th) and Kenya (27th).

340. At the 27th meeting, on 27 August 1990, Mr. Joinet presented his concluding remarks.

341. At the 34th meeting, on 30 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.25, sponsored by Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Sachar, Mr. Suescún Monroy and Mr. Treat.

342. Mr. van Boven revised the draft resolution by inserting a new operative paragraph 6 as follows:

> "6. Requests the Secretary-General to transmit this resolution to Governments, inter-governmental and non-governmental organizations, including professional associations of judges and lawyers, requesting specific information on measures taken to strengthen the independence of the judiciary and lawyers or on practices which have undermined their independence;".

343. The draft resolution, as revised, was adopted without a vote.

344. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/23.

XIII. HUMAN RIGHTS AND DISABILITY

345. The Sub-Commission considered item 12 at its 32nd meeting, held on 29 August 1990.

346. At the 2nd meeting, on 7 August 1990, Mr. Despouy, the Special Rapporteur on human rights and disability, made a statement in connection with the documentation for this item.

347. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.

348. The Sub-Commission heard a statement from the following non-governmental organization: Disabled Peoples International (32nd).

349. At the same meeting, the Sub-Commission decided to suspend the debate on the item until its forty-third session.

350. For the text of the decision, as adopted, see chapter II, section B, decision 1990/113.

XIV. HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS

351. The Sub-Commission considered item 13 at its 32nd meeting, held on 29 August 1990.

352. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Report of the Secretary-General on negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movements of hazardous wastes and their disposal (E/CN.4/Sub.2/1990/7);

Concise note prepared by Ms. Ksentini setting forth methods by which a study could be made of the problem of the environment and its relation to human rights (E/CN.4/Sub.2/1990/12);

Report of the Secretary-General on the elimination of chemical weapons (E/CN.4/Sub.2/1990/37 and Add.1, 2 and 3);

Written statement submitted by FIAN-Food first International Action Network, a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/9);

Written statement submitted by Friends of the Earth, International Educational Development Inc. and the Sierra Club, non-governmental organizations in consultative status (Roster) and Disabled Peoples International and the International Indian Treaty Council, non-governmental organizations in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/13);

Report of the Secretary-General on respect to the right to life: elimination of chemical weapons (E/CN.4/Sub.2/1989/4).

353. The item was introduced at the 32nd meeting, held on 29 August 1990, by the Under-Secretary-General for Human Rights.

354. At the same meeting Ms. Ksentini introduced her concise note.

355. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Ms. Bautista (32nd), Mr. van Boven (32nd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Guissé (32nd), Mr. Hatano (32nd), Mr. Joinet (32nd), Mr. Maxim (32nd), Ms. Mbonu (32nd), Ms. Palley (32nd), Mr. Sachar (32nd), Mr. Suescún Monroy (32nd), Mr. Zhan Daode (32nd).

356. The Sub-Commission also heard statements by the following non-governmental organizations: Friends of the Earth (32nd), International Commission of Health Professionals for Health and Human Rights (32nd), International Commission of Jurists (32nd), National Aboriginal and Islander Legal Services Secretariat (32nd), World Conference on Religion and Peace (32nd), World Union of Progressive Judaism (32nd).

357. A statement equivalent to a right of reply was made by the Observer for Yugoslavia (32nd).

358. At the 32nd meeting, Ms. Ksentini offered her concluding remarks.

XV. ENCOURAGEMENT OF UNIVERSAL ACCEPTANCE OF HUMAN RIGHTS INSTRUMENTS

359. The Sub-Commission considered item 14 at its 32nd and 35th meetings, held on 29 and 31 August 1990.

360. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Note prepared by the Secretary-General containing information relating to communications with the Member States concerning the ratification of, or accession to, the relevant human rights instruments as well as an updated table recording country-by-country developments in that regard (E/CN.4/Sub.2/1990/38).

361. At the 7th meeting, on 13 August 1990, the Chairman, in accordance with Sub-Commission resolution 1988/30, appointed Mr. Hatano to report to the Sub-Commission on the information received under resolution 1988/30.

362. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.

363. At the same meeting Mr. Hatano presented an analysis of the information received.

364. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Flinterman (32nd), Mr. Ilkahanaf (32nd) and Ms. Ksentini (32nd).

365. The Sub-Commission also heard a statement by the Observer for one non-governmental organization: the International League for the Rights and Liberation of Peoples (32nd).

366. At the 32nd meeting, Mr. Hatano presented his concluding remarks.

367. At the 35th meeting, on 31 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.22, sponsored by Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Heller, Ms. Ksentini, Mr. Treat, Ms. Warzazi and Mr. Yimer. Mr. Alfonso Martínez, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Saboia, Mr. Sachar and Mr. Suescún Monroy subsequently joined as sponsors.

368. The draft resolution was adopted without a vote.

369. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/24.

XVI. DISCRIMINATION AGAINST INDIGENOUS PEOPLES

370. The Sub-Commission considered item 15 at its 32nd, 35th and 36th meetings, held on 29 and 31 August 1990.

371. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Second revised draft text of a universal declaration (E/CN.4/Sub.2/1990/39);

Working paper prepared by Mr. Eide and Ms. Mbonu (E/CN.4/Sub.2/1990/41);

Report of the Working Group on its eighth session (E/CN.4/Sub.2/1990/42);

Note by the Chairman (E/CN.4/Sub.2/1990/58);

Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/5);

Written statement submitted by the Inuit Circumpolar Conference and the International Organization of Indigenous Resource Development, non-governmental organizations in consultative status (category II) and the Grand Council of the Crees (of Quebec), a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/14);

Written statement submitted by the Indian Law Resource Center, a non-governmental organization in consultative status (Roster) (E/CN.4/Sub.2/1990/NGO/17);

Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/20);

Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/21);

Written statement submitted by the Human Rights Advocates, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/22).

372. At the 32nd meeting, Ms. Daes, Chairman-Rapporteur of the Working Group on Indigenous Populations, introduced the report of the Working Group on its eighth session.

373. At the same meeting, Ms. Mbonu introduced the working paper prepared by Mr. Eide and Ms. Mbonu.

374. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (32nd), Mr. Eide (32nd), Mr. Guissé (32nd), Mr. Hatano (32nd), Mr. Joinet (32nd) and Ms. Ksentini (32nd).

375. The Sub-Commission heard statements by the Observers for Australia (32nd), Canada (32nd) and Colombia (32nd).

376. Statements were also made by Observers for the following non-governmental organizations: Four Directions Council (32nd), Indian Council of South America (32nd), Indigenous World Association (32nd), International Organization for the Elimination of All Forms of Racial Discrimination (32nd), International Indian Treaty Council (32nd), International Work Group for Indigenous Affairs (32nd), National Aboriginal and Islander Legal Services Secretariat (32nd).

377. At the 32nd meeting, the Chairman-Rapporteur presented her concluding remarks.

378. At the same meeting Ms. Mbonu presented her concluding remarks.

379. At the 35th meeting, on 31 August 1990, the Sub-Commission took up for consideration draft resolution E/CN.4/Sub.2/1990/L.44, sponsored by Mr. Alfonso Martínez, Ms. Daes, Ms. Mbonu and Ms. Warzazi. Mr. Eide, Ms. Ksentini, Ms. Palley and Mr. Suescún Monroy subsequently joined as sponsors.

380. Mr. Alfonso Martínez proposed the following revisions: In operative paragraph 2 to delete the words "take immediate steps to return these items to their indigenous owners" and insert in their place "start negotiations with indigenous owners with a view to return, at the earliest possible time these items, thereto"; and in operative paragraph 3 to substitute the words "take necessary and effective steps so that" for "enact legislation requiring", as well as to add the words ", at the earliest possible time," after the word "return" and delete "to" in line 3.

381. Ms. Ksentini proposed amending the proposed revision of operative paragraph 2 to read: "enter into negotiations with indigenous owners with a view to returning their items to them".

382. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.63) of draft resolution E/CN.4/Sub.2/1990/L.44.

383. The draft resolution, as revised and further amended, was adopted without a vote.

384. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/25.

385. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.47 sponsored by Mr. Alfonso Martínez, Ms. Daes and Mr. Türk. Ms. Bautista, Mr. Eide and Ms. Ksentini subsequently joined as sponsors.

386. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.64) of draft resolution E/CN.4/Sub.2/1990/L.47.

387. The draft resolution was adopted without a vote.

388. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/26.

389. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.50, sponsored by Mr. Alfonso Martínez, Ms. Daes and Mr. Türk. Ms. Bautista subsequently joined as a sponsor.

390. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.65) of draft resolution E/CN.4/Sub.2/1990/L.50.

391. The draft resolution was adopted without a vote.

392. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/27.

393. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.51, sponsored by Mr. Alfonso Martínez, Ms. Daes, Mr. Hatano, Ms. Mbonu and Mr. Türk. Ms. Bautista and Mr. Treat subsequently joined as sponsors.

394. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.66) of draft resolution E/CN.4/Sub.2/1990/L.51.

395. The draft resolution was adopted without a vote.

396. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/28.

397. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.53, sponsored by Mr. Alfonso Martínez, Ms. Daes and Mr. Türk. Ms. Bautista, Ms. Ksentini and Mr. Treat subsequently joined as sponsors.

398. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.67) of draft resolution E/CN.4/Sub.2/1990/L.53.

399. The draft resolution was adopted without a vote.

400. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/29.

401. At the 35th and 36th meetings, on 31 August 1990, the Sub-Commission considered draft resolution E/CN.4/Sub.2/1990/L.49, sponsored by Ms. Bautista, Mr. van Boven, Mr. Despouy, Ms. Palley and Ms. Warzazi.

402. At the 35th meeting, on 31 August 1990, Ms. Palley proposed revising operative paragraph 4 of the draft resolution by adding to the end of this paragraph the words "and to ascertain what assistance they may require;".

403. At the 36th meeting, on 31 August 1990, Ms. Palley withdrew her proposed amendment.

404. At the same meeting, the Observer for the United States of America made a statement.

405. At the 36th meeting, the draft resolution was adopted without a vote.

406. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/34.

407. At its 36th meeting, on 31 August 1990, the Sub-Commission decided on the composition of its Working Group on Indigenous Populations, which was to meet prior to its forty-third session.

408. For the composition of the Working Group, see chapter II, section B, decision 1990/126.

XVII. CONTEMPORARY FORMS OF SLAVERY

409. The Sub-Commission considered item 16 at its 32nd, 35th and 36th meetings, held on 29 and 31 August 1990.

410. The Sub-Commission had before it the following documents in connection with its consideration of the item:

Study prepared by the Secretary-General on the adoption and recruitment of children into the armed forces and their participation in hostilities (E/CN.4/Sub.2/1990/43 and Add.1 and 2);

Report of the Working Group on Contemporary Forms of Slavery on its fifteenth session (E/CN.4/Sub.2/1990/44);

Written statement submitted by the United Nations Children's Fund on the exploitation of child labour (E/CN.4/Sub.2/1990/52).

411. At the 32nd meeting, on 29 August 1990, Ms. Fatma Zohra Ksentini, Chairman/Rapporteur of the Working Group on Contemporary Forms of Slavery, introduced the report of the Working Group.

412. In the general debate on the item, statements were made by the following members of the Sub-Commission: Ms. Bautista (32nd), Ms. Daes (32nd), Mr. Eide (32nd) and Mr. Ilkahanaf (32nd).

413. The Sub-Commission heard a statement by the Observer for Colombia (32nd).

414. At the same meeting, the Observer for the following non-governmental organization made a statement: International Organization for the Elimination of All Forms of Racial Discrimination (32nd).

415. At the 32nd meeting, the Chairman/Rapporteur presented her concluding remarks.

416. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.28, sponsored by Ms. Daes, Mr. Eide, Ms. Ksentini, Mr. Maxim, Mr. Sadi and Mr. Suescún Monroy. Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Mbonu, and Mr. Saboia subsequently joined as sponsors.

417. The draft resolution was adopted without a vote.

418. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/30.

419. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.29, sponsored by Mr. Eide, Ms. Ksentini, Mr. Maxim, Mr. Sadi, and Mr. Suescún Monroy. Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Flinterman, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Mbonu, Ms. Palley, Mr. Saboia and Mr. Treat subsequently joined as sponsors.

420. The draft resolution was adopted without a vote.

421. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/31.

422. At its 36th meeting, on 31 August 1990, the Sub-Commission decided on the composition of its Working Group on Contemporary Forms of Slavery, which was to meet prior to its forty-third session.

423. For the composition of the Working Group, see chapter II, section B, decision 1990/126.

XVIII. PROMOTION, PROTECTION AND RESTORATION OF HUMAN RIGHTS AT NATIONAL, REGIONAL AND INTERNATIONAL LEVELS:

A. Prevention of discrimination and protection of children: human rights and youth;

B. Prevention of discrimination and protection of women

424. The Sub-Commission considered item 17 at its 32nd and 35th meetings, held on 29 and 31 August 1990.

425. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Report on human rights and youth pursuant to resolution 1989/45 submitted by Mr. D. Mazilu, Special Rapporteur (E/CN.4/Sub.2/1990/45 and Corr.1);
>
> Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/7);
>
> Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/15);
>
> Report on human rights and youth submitted by Mr. Mazilu, Special Rapporteur (E/CN.4/Sub.2/1989/41 and Add.1).

426. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.

427. At the same meeting, the Special Rapporteur, Mr. D. Mazilu, introduced his report.

428. In the general debate on the item, statements were made by the following members of the Sub-Commission: Ms. Bautista (32nd), Ms. Daes (32nd), Mr. Despouy (32nd), Mr. Eide (32nd), Mr. Guissé (32nd), Mr. Ilkahanaf (32nd), Mr. Joinet (32nd), Mr. Maxim (32nd) and Mr. Treat (32nd).

429. The Sub-Commission also heard statements by the following non-governmental organizations: International Commission of Jurists (32nd), International Council on Jewish Women (32nd), presenting a joint statement on behalf of the All-India Women's Conference, Andean Commission of Jurists, Anti-Slavery Society, Baha'i International Community, International Federation of Human Rights, International Abolitionist Federation, International Alliance of Women - Equal Rights, Equal Responsibilities, International Association of Penal Law, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Jurists, International Council of Jewish Women, International Council on Social Welfare, International Council of Women, International Federation of University Women, International Federation of Women Lawyers, International Fellowship of Reconciliation, International Indian Treaty Council (32nd), International Institute of Higher Studies in Criminal Sciences, International Movement ATD Fourth World, International Movement for Fraternal Union among Races and Peoples, Pan-Pacific South-East Asia Women's Association, Soroptimist International,

Women's International Zionist Organization, World Federation of Methodist Women and Zonta International, International League for the Rights and Liberation of Peoples (32nd), Latin American Federation of Associations of Relatives of Disappeared Detainees (32nd), World Council of Churches (32nd), Women's International League for Peace and Freedom (32nd).

430. At the 32nd meeting, the Special Rapporteur presented his concluding remarks.

431. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft resolution E/CN.4/Sub.2/1990/L.61, sponsored by Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Joinet, Ms. Palley, Mr. Sachar and Mr. Suescún Monroy. Ms. Bautista, Mr. Maxim and Mr. Treat subsequently joined as sponsors.

432. Mr. Alfonso Martínez proposed amending operative paragraph 2 by the insertion of the word "progress" before "report".

433. The attention of the Sub-Commission was drawn to an estimate of administrative and programme budget implications (E/CN.4/Sub.2/1990/L.68) of draft resolution E/CN.4/Sub.2/1990/L.61.

434. The draft resolution, as amended, was adopted without a vote.

435. For the text of the resolution, as adopted, see chapter II, section A, resolution 1990/32.

XIX. PROTECTION OF MINORITIES

436. The Sub-Commission considered item 18 at its 7th to 13th and 24th meetings, held from 13 to 16 and 23 August 1990.

437. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Progress report submitted by the Special Rapporteur, Mr. A. Eide, on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1990/46);
>
> Working paper, prepared by Ms. Palley, on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities (E/CN.4/Sub.2/1989/43);
>
> Report of the Working Group on the Rights of Persons Belonging to National, Ethnic, Religious and Linguistic Minorities (E/CN.4/1990/41 and Corr.1).

438. The item was introduced at the 7th meeting, on 13 August 1990, by the Under-Secretary-General for Human Rights.

439. At the 8th meeting, on 13 August 1990, the Special Rapporteur, Mr. Eide, introduced his progress report.

440. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (11th, 12th and 13th), Mr. van Boven (9th), Ms. Daes (10th), Mr. Diaconu (9th), Mr. Eide (8th), Mr. Guissé (9th), Mr. Hatano (8th), Mr. Heller (8th), Mr. Ilkahanaf (9th), Mr. Joinet (10th), Mr. Khalifa (9th and 11th), Ms. Ksentini (10th, 11th and 13th), Ms. Palley (9th, 11th and 12th), Mr. Sachar (8th and 10th), Mr. Sadi (9th), Mr. Türk (8th), Ms. Warzazi (9th and 11th) and Mr. Yimer (8th).

441. The Sub-Commission heard a statement by the Observer for Hungary (8th).

442. Statements were also made by the following non-governmental organizations: Baha'i International Community (10th), Four Directions Council (9th), International Council of Jewish Women (8th), Minority Rights Group (10th), International Educational Development Inc. (10th), International Federation of Human Rights (8th), International League for the Rights and Liberation of Peoples (10th), International Organization for the Elimination of All Forms of Racial Discrimination (10th), Pax Christi International (10th), World Federation of Trade Unions (9th), World Union for Progressive Judaism (10th).

443. Statements equivalent to a right of reply were made by the Observers for Israel (11th) and the Syrian Arab Republic (11th).

444. A statement equivalent to a second right of reply was made by the Observer for Israel (13th).

445. At the 10th meeting, on 14 August 1990, the Special Rapporteur, Mr. Eide, presented his concluding remarks.

446. At the 24th meeting, on 23 August 1990, Ms. Daes introduced draft resolution E/CN.4/Sub.2/1990/L.8/Rev.1, sponsored by Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Sachar, Mr. Treat and Mr. Yimer.

447. Ms. Daes revised operative paragraph 4 of the draft resolution for adoption by the Commission on Human Rights by inserting the words ", including a technical meeting of experts for three days," after the word "assistance".

448. Mr. Sadi proposed that operative paragraph 3 should be moved to the preamble. Ms. Warzazi proposed amending operative paragraph 3 by substituting the words "Expressing concern" for the word "Considers".

449. Ms. Ksentini proposed the amendment that preambular paragraph 3 be deleted and replaced by operative paragraph 3 and that the words "difficult and complex" in operative paragraph 6 be deleted. Mr. Ilkahanaf proposed amending operative paragraph 6 by deleting the words "in order".

450. Mr. Eide proposed amending preambular paragraph 4 by inserting the words "large-scale human rights problems in" after the words "preventing".

451. At the same meeting, statements relating to the draft resolution and the amendments thereto were made by Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Ms. Ksentini, Mr. Maxim, Mr. Sadi, Mr. Suescún Monroy and Ms. Warzazi.

452. The attention of the Sub-Commission was drawn to an estimate of the administrative and programme budget implications (E/CN.4/Sub.2/1990/L.17) of the draft resolution E/CN.4/Sub.2/1990/L.8/Rev.1.

453. The draft resolution, as amended, was adopted without a vote.

454. For the text of the resolution as adopted, see chapter II, section A resolution 1990/5.

XX. THE RIGHT OF EVERYONE TO LEAVE ANY COUNTRY, INCLUDING HIS OWN, AND TO RETURN TO HIS COUNTRY

455. The Sub-Commission considered item 19 at its 32nd, 33rd andd 35th meetings, held on 29 to 31 August 1990.

456. The Sub-Commission had before it the following documents in connection with its consideration of the item:

> Analytical compilation by the Secretary-General on the comments on the draft declaration (E/CN.4/Sub.2/1990/47);
>
> Report of the sessional open-ended Working Group (E/CN.4/Sub.2/1990/48);
>
> Written statement submitted by the International League for Human Rights, a non-governmental organization in consultative status (category II) (E/CN.4/Sub.2/1990/NGO/24).

457. The item was introduced at the 32nd meeting, on 29 August 1990, by the Under-Secretary-General for Human Rights.

458. At the same meeting, Mr. Alfonso Martínez, Chairman/Rapporteur of the sessional open-ended Working Group, introduced the report of the Working Group.

459. In the general debate on the item, statements were made by the following members of the Sub-Commission: Mr. Alfonso Martínez (33rd), Mr. Despouy (33rd), Mr. Eide (33rd), Mr. Guissé (33rd), Ms. Ksentini (33rd), Mr. Sachar (33rd) and Mr. Suescún Monroy (33rd).

460. The Sub-Commission also heard statements by the following non-governmental organizations: International Commission of Health Professionals for Health and Human Rights (33rd), International Fellowship of Reconciliation (33rd), International League for Human Rights (33rd), International Organization for the Elimination of All Forms of Racial Discrimination (33rd), Latin American Federation of Associations of Relatives of Disappeared Detainees (33rd), World Union for Progressive Judaism (33rd).

461. At the 35th meeting, on 31 August 1990, the Sub-Commission took up consideration of draft decision E/CN.4/Sub.2/1990/L.43, sponsored by Mr. Alfonso Martínez, Mr. Eide, Mr. Flinterman, Mr. Maxim and Ms. Mbonu. Ms. Daes, Ms. Ksentini and Mr. Treat subsequently joined as sponsors.

462. Ms. Ksentini proposed amending paragraph 3 by the insertion of the words ", if appropriate," after "decided".

463. The draft decision, as amended, was adopted without a vote.

464. For the text of the decision, as adopted, see chapter II, section B, decision 1990/123.

XXI. CONSIDERATION OF THE FUTURE WORK OF THE SUB-COMMISSION AND OF THE DRAFT PROVISIONAL AGENDA FOR THE FORTY-THIRD SESSION OF THE SUB-COMMISSION

465. The Sub-Commission considered agenda item 20 at its 36th meeting, held on 31 August 1990.

466. In connection with the consideration of this item, the Sub-Commission had before it a note prepared by the Secretary-General (E/CN.4/Sub.2/1990/L.1), in accordance with paragraph 3 of Economic and Social Council resolution 1894 (LVII) of 1 August 1974, containing a draft provisional agenda for the forty-third session of the Sub-Commission, a list of the documents to be submitted under each item and the legislative authority for their preparation.

467. The Sub-Commission recalled its resolutions 1985/34 and 1989/1, in which the Sub-Commission decided that the following items would be considered on a biennial basis, starting at its thirty-ninth and fortieth sessions respectively:

Thirty-ninth session:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

Fortieth session:

(a) Human rights and disability;

(b) Human rights and scientific and technological developments;

(c) Encouragement of universal acceptance of human rights instruments.

468. The Sub-Commission further recalled its resolution 1989/1, in which it decided to consider the item "The new international economic order and the promotion of human rights" on an annual basis.

469. At its 36th meeting, on 31 August 1990, the draft provisional agenda was adopted without a vote.

470. The text of the draft provisional agenda for the forty-third session of the Sub-Commission reads as follows:

1. Election of officers

2. Adoption of the agenda

3. Review of the work of the Sub-Commission

Legislative authority: Sub-Commission resolution 1990/4 and decisions 2 (XXXIV), 1990/106 and 1990/115

Documentation

Draft resolution E/CN.4/Sub.2/1990/L.7 and the relevant amendments thereto contained in E/CN.4/Sub.2/1990/L.15 and E/CN.4/Sub.2/1990/L.40

4. Review of further developments in fields with which the Sub-Commission has been concerned

Legislative authority: Economic and Social Council resolutions 1990/35 and 1990/3 and decisions 1990/239 and 1990/247, Commission decision 1990/109, Sub-Commission resolutions 5 (XIV), 1989/16, 1990/6 and 1990/7 and Sub-Commission decisions 1990/116, 1990/117 and 1990/118

Documentation:

Reports by ILO and UNESCO (5 (XIV))

Report by Ms. Warzazi (1989/16)

Progress report by Mr. van Boven (1990/6)

Preliminary report by Ms. Ksentini (1990/7)

Updated report by Mr. Joinet and Mr. Türk (1990/117)

Progress report by Mr. Varela Quiros (1990/118)

5. Elimination of racial discrimination

(a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

Legislative authority: Sub-Commission resolutions 1990/1 and 1990/2

Documentation

Secretary-General's outline of possible activities for increasing the effectiveness of United Nations action to combat racism and racial discrimination (1990/1)

Secretary-General's overview of current trends of racism, discrimination, intolerance and xenophobia (1990/2)

(b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

Legislative authority: Sub-Commission resolution 1990/3

Documentation

Revised report by Mr. Khalifa (1990/3)

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

Legislative authority: Sub-Commission resolutions 1990/9, 1990/12, 1990/14 and decision 1990/125

Documentation

Note by the Secretary-General (1990/9)

Secretary-General's updated list (1990/12)

Report of the Working Group (1990/125)

7. The new international economic order and the promotion of human rights

(a) The role and equal participation of women in development

Legislative authority: Sub-Commission resolutions 1987/26 and 1989/1

Documentation

Report of the Commission on the Status of Women (1987/26)

Report of the Committee on the Elimination of Discrimination against Women (1987/26)

8. The realization of economic, social and cultural rights

Legislative authority: Economic and Social Council decision 1989/138, Sub-Commission resolutions 1990/16, 1990/17 and decision 1990/119

Documentation

Second progress report by Mr. Türk (1990/16)

Method and plan of work by Mr. Suescún Monroy (1990/119)

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

Legislative authority: Economic and Social Council resolution 1503 (XLVIII) and Sub-Commission resolutions 1 (XXIV) and 2 (XXIV)

Documentation

Confidential report of the Working Group and supporting papers

10. The administration of justice and the human rights of detainees

(a) Question of human rights of persons subjected to any form of detention and imprisonment

Legislative authority: Sub-Commission resolutions 7 (XXVII), 1990/20, 1990/21 and 1990/22

Documentation

Annual reports by the Secretary-General (7 (XXVII))

Final report by Ms. Bautista (1990/20)

Report by Ms. Bautista (1990/21)

Information from the Secretary-General (1990/22)

(b) Question of human rights and states of emergency

Legislative authority: Sub-Commission resolution 1990/19

Documentation

Annual report and updated list by Mr. Despouy (1990/19)

(c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

Legislative authority: Commission on Human Rights resolution 26 (XXXVI)

(d) The right to a fair trial

Legislative authority: Sub-Commission resolution 1990/18

Documentation

Study by Mr. Chernichenko and Mr. Treat (1990/18)

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

Legislative authority: Sub-Commission resolution 1990/23

Documentation

Report by Mr. Joinet (1990/23)

12. Human Rights and Disability

Legislative authority: Economic and Social Council resolution 1984/26 and Sub-Commission decision 1990/112

Documentation

Final report of Mr. Despouy (1990/112)

13. Elimination of all forms of intolerance and of discrimination based on religion and belief

Legislative authority: Sub-Commission resolution 1985/34

14. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

Legislative authority: Sub-Commission resolution 1989/47

Documentation

Working paper of Mr. Bhandare (1989/47)

15. Discrimination against indigenous peoples

Legislative authority: Economic and Social Council resolutions 1982/34 and 1989/77 and Sub-Commission resolutions 1989/58, 1990/25, 1990/26, 1990/28 and 1990/29

Documentation

Working paper by Ms. Daes (1990/25)

Brief note by the Secretary-General (1990/26)

Analytical commentary of the draft declaration by Ms. Daes (1990/26)

Reports by the Secretary-General (1990/27)

Preliminary report by the Special Rapporteur (1990/28)

Report by the Secretary-General (1990/29)

Second working paper by Mr. Eide and Ms. Mbonu (1990/29)

Report of the Working Group

16. Contemporary forms of slavery

Legislative authority: Economic and Social Council decisions 16 and 17 (LVI) and Sub-Commission resolutions 1989/41, 1990/30 and 1990/31

Documentation

Report of the Working Group

Report by the Secretary-General

17. Promotion, protection and restoration of human rights at national, regional and international levels

(a) Prevention of discrimination and protection of children: human rights and youth

Legislative authority: Commission resolution 1985/13 and Sub-Commission resolution 1990/32

Documentation

Progress report by Mr. Mazilu (1990/32)

(b) Prevention of discrimination and protection of women

18. Protection of minorities

Legislative authority: Economic and Social Council resolution 1990/39, Sub-Commission resolutions 1989/44 and 1990/5

Documentation

Preliminary report by the Special Rapporteur (1990/5)

19. The right of everyone to leave any country, including his own, and to return to his country

Legislative authority: Commission on Human Rights resolution 1989/39 and Sub-Commission decision 1990/123

Documentation

Revised version of draft declaration by Mr. Sadi (1990/123)

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-fourth session of the Sub-Commission

Documentation

Note by the Secretary-General

21. Adoption of the report on the forty-third session

Documentation

Report of the Sub-Commission on its forty-third session.

XXII. ADOPTION OF THE REPORT ON THE FORTY-FIRST SESSION

471. At the 36th meeting, on 31 August 1990, the Sub-Commission considered the draft report on the work of its forty-second session.

472. The draft report, as amended, was adopted, as a whole, without a vote.

ANNEXES

Annex I

AGENDA

1. Election of officers.

2. Adoption of the agenda.

3. Review of the work of the Sub-Commission.

4. Review of further developments in fields with which the Sub-Commission has been concerned.

5. Elimination of racial discrimination:

    (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;

    (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.

6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of *apartheid*, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

7. The new international economic order and the promotion of human rights:

    (a) The role and equal participation of women in development.

8. The realization of economic, social and cultural rights.

9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

10. The administration of justice and the human rights of detainees:

    (a) Question of human rights of persons subjected to any form of detention and imprisonment;

    (b) Question of human rights and states of emergency;

    (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;

    (d) The right to a fair trial.

11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.

12. Human rights and disability.

13. Human rights and scientific and technological developments.

14. Encouragement of universal acceptance of human rights instruments.

15. Discrimination against indigenous peoples.

16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Prevention of discrimination and protection of women.

18. Protection of minorities.

19. The right of everyone to leave any country, including his own, and to return to his country.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-third session of the Sub-Commission.

21. Adoption of the report on the forty-second session.

Annex II

ATTENDANCE

Members and Alternates

Mr. Miguel Alfonso Martínez	(Cuba)
*Mr. Julio H. Pérez	
Mr. Awn Shawkat Al-Khasawneh	(Jordan)
*Mr. Waleed M. Sadi	
Ms. Judith Sefi Attah	(Nigeria)
*Mrs. Christy Ezim Mbonu	
Ms. Mary Concepción Bautista	(Philippines)
*Ms. Haydee B. Yorac	
Mr. Theodoor Cornelis van Boven	(Netherlands)
*Mr. Cornelis Flinterman	
Mr. Stanislav Valentinovich Chernichenko	(Union of Soviet Socialist Republics)
*Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
*Mr. Alexis Heraclides	
Mr. Leandro Despouy	(Argentina)
*Mr. Juan Carlos Hitters	
Mr. Ion Diaconu	(Romania)
*Mr. Ioan Maxim	
Mr. Asbjørn Eide	(Norway)
*Mr. Jan Helgessen	
Mr. El Hadji Guissé	(Senegal)
*Mr. Ndary Toure	
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	
Mr. Claude Heller	(Mexico)
*Mr. Héctor Fix Zamudio	
Mr. Aidid Abdillahi Ilkahanaf	(Somalia)
*Mr. Mohamed Isa Turunji	
Mr. Louis Joinet	(France)
*Mr. Alain Pellet	

---

* Alternate

Mr. Ahmed Khalifa *Mr. Ahmed Khalil	(Egypt)
Ms. Fatma Zohra Ksentini *Ms. Farida Aiouaze	(Algeria)
Ms. Claire Palley *Mr. John Merills	(United Kingdom of Great Britain and Northern Ireland)
Mr. Rafael Rivas Posada *Mr. Eduardo Suescún Monroy	(Colombia)
Mr. Gilberto Vergne Saboia *Ms. Marília Sardenberg Zelner Gonçalves	(Brazil)
Mr. Rajindar Sachar	(India)
Mr. Tian Jin *Mr. Zhan Daode	(China)
Mr. William W. Treat *Mr. John Carey	(United States of America)
Mr. Danilo Türk *Ms. Lidija R. Basta	(Yugoslavia)
Ms. Halima Embarek Warzazi *Mr. Mohamed Laghmari	(Morocco)
Mr. Fisseha Yimer	(Ethiopia)

States members of the United Nations represented by Observers

Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Bangladesh, Belgium, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czech and Slovak Federal Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Japan, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Jamahiriya, Malaysia, Mauritania, Mexico, Morocco, Myanmar, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Portugal, Qatar, Romania, Sao Tome and Principe, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Tunisia, Turkey, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Venezuela, Viet Nam, Yugoslavia, Zaire, Zimbabwe.

---

* Alternate

Non-member States

Democratic People's Republic of Korea, Holy See, Republic of Korea, Switzerland.

United Nations bodies

United Nations Centre for Human Settlements (HABITAT), United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees.

Specialized agencies

International Bank for Reconstruction and Development, International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

Intergovernmental organizations

Commission of the European Communities, Intergovernmental Committee for Migration, League of Arab States, Organization for African Unity.

Liberation movements

Palestine, Pan Africanist Congress of Azania.

Non-Governmental Organizations

Category I

International Alliance of Women, International Confederation of Free Trade Unions, International Council of Women, Inter-Parliamentary Union, Soroptomist International, World Confederation of Labour, World Federation of Democratic Youth, World Federation of Trade Unions, Zonta International.

Category II

All India Women's Conference, American Association of Jurists, Amnesty International, Andean Commission of Jurists, Anti-Slavery Society for the Protecion of Human Rights, Arab Lawyers Union, Arab Organization for Human Rights, Baha'i International Community, Caritas Internationalis, Commission of the Churches on International Affairs, Consultative Council of Jewish Organizations, Coordinating Board of Jewish Organizations, Disabled Peoples International, Four Directions Council, Friends World Committee for Consultation, Human Rights Advocates, Human Rights Internet, Indigenous World Association, International Abolitionist Federation, International Association against Torture, International Association for the Defence of Religious Liberty, International Association of Democratic Lawyers, International Association of Educators for World Peace, International Association of Penal Law, International Centre of Sociological, Penal and Penitentiary Research and Studies, International Commission of Health Professionals for Health and Human Rights, International Commission of Jurists, International Committee of the Red Cross, International Council for Adult Education, International Council of Environmental Law, International Council of Jewish Women, International Council on Jewish Social and Welfare Services, International Federation of Human Rights, International Federation of University Women, International Federation of Women Lawyers, International Federation - Terre des Hommes, International Fellowship of Reconciliation, International Human Rights Law Group, International Indian Treaty Council, International Institute of Higher Studies in Criminal Sciences, International Institute of Humanitarian Law, International League for Human Rights, International League for the Rights and Liberation of Peoples, International Movement A.T.D. Fourth World, International Movement for Fraternal Union among Races and Peoples, International Organization for the Elimination of All Forms of Racial Discrimination, International Organization for the Development of Freedom of Education, International Organization of Indigenous Resource Development, International Save the Children Alliance, International Union of Students, International Work Group for Indigenous Affairs, Latin American Federation of Associations of Relatives of Disappeared Detainees, Medical Women's International Association, National Aboriginal and Islander Legal Services Secretariat, Pan-Pacific and South-East Asia Women's Association, Pax Christi, Pax Romana, Service, Justice and Peace in Latin America, Union of Arab Jurists, Women's International League for Peace and Freedom, Women's International Zionist Organization, World Association for World Federation, World Conference on Religion and Peace, World Federation for Mental Health, World Federation of Methodist Women, World Jewish Congress, World University Service, World Young Women's Christian Association.

Roster

Centre Europe - Tiers Monde, Defence for Children International, Foodfirst Information and Action Network, Friends of the Earth, Grand Council of the Crees (of Quebec), Habitat International Coalition, Indian Council of South America, International Educational Development Inc., International Falcon Movement - Socialist Educational International, International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities, International Federation of Action of Christians for the Abolition of Torture, International Human Rights Internship Programme, International Humanist and Ethical Union, International Inner Wheel, International Pen, Liberation, Minority Rights Group, Movement Against Racism and for Friendship among Peoples, National Indian Youth Council, Nordic Saami Council, Planetary Citizens, Regional Council on Human Rights in Asia, Romani Union, Survival International, War Amputations of Canada, World Association for the School as an Instrument of Peace, World Union for Progressive Judaism.

Annex III

ADMINISTRATIVE AND PROGRAMME BUDGET IMPLICATIONS OF RESOLUTIONS AND A DECISION ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-SECOND SESSION

1. In the course of its forty-second session the Sub-Commission on Prevention of Discrimination and Protection of Minorities adopted 13 resolutions and 1 decision having financial implications. Prior to the adoption of these resolutions and decision, statements of their administrative and programme budget implications were submitted on behalf of the Secretary-General, in compliance with financial regulation 13.1 and rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council. These statements are reproduced below and relate to the following resolutions and decision:

Resolution	1990/3
Resolution	1990/5
Resolution	1990/6
Resolution	1990/7
Resolution	1990/16
Resolution	1990/18
Resolution	1990/19
Resolution	1990/25
Resolution	1990/26
Resolution	1990/27
Resolution	1990/28
Resolution	1990/29
Resolution	1990/32
Decision	1990/117

2. Should the action taken by the Commission on Human Rights and the Economic and Social Council in respect of the above-mentioned resolutions of the Sub-Commission require the Secretary-General to enter into commitments during 1991 and 1992, additional credits, as appropriate may be required for the biennia 1990-1991 and 1992-1993.

1990/3. Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist régime of South Africa

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the draft resolution to be adopted by the Economic and Social Council, the Special Rapporteur would be invited:

(a) To continue to update, subject to annual review, the list of banks, transnational corporations and other organizations assisting the racist régime in South Africa, giving such details regarding enterprises listed as the Special Rapporteur may consider necessary and appropriate, including explanations of responses, if any, and to submit the updated report through the Sub-Commission to the Commission on Human Rights;

(b) To use all available material from other United Nations organs, Member States, specialized agencies and other relevant sources in order to indicate the volume, nature and adverse human consequences of the assistance given to the racist régime of South Africa;

(c) To intensify direct contacts with the United Nations Centre on Transnational Corporations and the Centre against Apartheid, with a view to consolidating mutual co-operation in updating his report.

B. Relationship of proposed requests to the programme of work

2. The activities referred to above would fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", the objectives of and the strategy for which are described in paragraph 6.27 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 2.1 -	Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (xiii) Preparation of two updated reports for submission to the General Assembly, through the Commission on Human Rights and the Sub-Commission, containing a list of organizations, banks and transnational corporations giving assistance to the racist régime in South Africa, pursuant to General Assembly resolution 43/92.

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur will travel from Cairo to New York for a period of five working days in the early part of 1991 in order to establish direct contacts with the Centre on Transnational Corporations and the Centre against Apartheid. Later in 1991 the Special Rapporteur will travel from Cairo to Geneva for five working days for consultations with the Centre for Human Rights. As requested in paragraph 7 of the draft resolution, the services of two economists to help him develop his analysis and documentation on specific cases of special importance would be required. It has been noted that in accordance with Economic and Social Council decision 1988/129, the mandate of the Special Rapporteur was renewed for a period of two years, covering 1990 and 1991.

D. Modifications required in the approved programme of work

5. No modification is required in the programme of work for 1990-1991, since this activity appears under programme element 2.1.

E. Additional requirements at full cost

6. The estimated cost of the above programme of work is itemized as follows:

	1991 (US dollars)
Travel and subsistence costs for the Special Rapporteur	5 500
Consultant economists to assist the Special Rapporteur with analytical work (for a period of 4 months)	20 000
	25 500

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $25,500 for 1991.

F. Potential for absorption

8. The travel and subsistence costs estimated at $5,500 were previously included in the programme budget implications approved by the Economic and Social Council in its decision 1990/34. With regard to consultancy costs estimated at $20,000, the Centre will endeavour to absorb these costs from within existing resources.

1990/5. Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities

A. Requests contained in the draft resolution

1. By operative paragraphs 3 and 4 of the draft resolution recommended for adoption by the Commission on Human Rights, the Commission would request the Special Rapporteur, Mr. Eide, to present to the Sub-Commission a preliminary report at its forty-third session, taking into account, among other information, the comments and suggestions made by the members of the Sub-Commission as well as replies by Governments, specialized agencies, regional intergovernmental and non-governmental organizations and would further request the Secretary-General to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in carrying out his mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document:

(a) Information will have to be compiled on national arrangements for minorities as described in replies to a questionnaire that will be sent by the Special Rapporteur, as contained in States Parties reports to treaty-based bodies, and as resulting from research conducted in accordance with the outline of the Special Rapporteur;

(b) This is anticipated to require the services of a specialist in the field of minority rights, for an estimated duration of three months in 1991 and again in 1992;

(c) Contacts with Governments are to be established by the Special Rapporteur which are anticipated to necessitate visits to an estimated three capitals to seek further views and information from Governments;

(d) A meeting of experts is to be convened to examine the information and to exchange views on progress reports of the Special Rapporteur prior to the submission of his final report to the Sub-Commission. This would be a technical meeting of an estimated six experts (convened in their personal expert capacity); the meeting would take place for an estimated duration of three working days in the autumn of 1991 in Geneva, the experts coming from eastern Europe, south Asia, Africa, Latin America, North America and western Europe;

(e) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva will be required for an estimated one week on two occasions.

D. Modifications required in the programme of work

5. A new output would have to be added: Subprogramme 4, programme element 4.2 - Research and studies, output (xvi), Substantive servicing of a meeting of human rights specialists.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991	1992
	(US dollars)	
Three round trips to three capitals of the Special Rapporteur for consultations with Governments (five working days each time)		
Travel and subsistence	5 000	2 500
Two round trips to Geneva of the Special Rapporteur for consultations at the Centre (five working days)		
Travel and subsistence	2 600	2 600
One round trip to Geneva of six Experts to attend a technical meeting (three working days)		
Travel and subsistence	15 000	-
Consultancy services		
Services of a specialist in minority rights		
Three work-months at P-3 level	20 800	
Three work-months at P-3 level		20 800
	43 400	25 900

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $43,400 for 1991 and $25,900 for 1992.

8. Conference servicing costs to be financed under section 29 B (Conference Services Division, Geneva) are estimated at $14,100 for 1991.

F. Potential for absorption

9. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/6. Compensation for victims of gross violations of human rights

A. Requests contained in the draft resolution

1. By operative paragraphs 2 and 3 of the draft resolution, the Sub-Commission requested Mr. Theo van Boven to prepare, for its forty-third session, a progress report on the subject matter, taking into account comments made in the discussion on the preliminary report at its forty-second session as well as the relevant work and recommendations of the Committee on Crime Prevention and Control, as requested in Economic and Social Council resolution 1990/22 of 24 May 1990, and undertake for this purpose the necessary consultations with the United Nations Centre for Social Development and Humanitarian Affairs. It further requested that the Secretary-General provide all assistance required by the Special Rapporteur to carry out his study.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to paragraphs 6 and 7 of the preliminary report where the Special Rapporteur gives further indication of his plan for the study, in particular that relating to the continuation of the study up to the forty-fourth session, in 1992. Programme budget implications given in the present document relate to the first phase of that plan, i.e. to provide for the preparation of the preliminary report due for submission to the Sub-Commission at its forty-third session, in 1991:

(a) The outline of the report as contained in the annex of the preliminary report (E/CN.4/Sub.2/1990/10) will necessitate the provision of specialized knowledge combining, in particular, international law, penal law, humanitarian law and constitutional law. This would envisage the engagement of the services of such a specialist for a duration of approximately three months to assist the Centre for Human Rights in providing the research support required;

(b) The Special Rapporteur is required to undertake consultations with the United Nations Centre for Social Development and Humanitarian Affairs in Vienna. It is anticipated that this would require a visit to Vienna for an estimated duration of four working days;

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip to Geneva in 1991 of the Special Rapporteur for consultations with the Centre (5 working days)	
Travel and subsistence	2 000
One round trip to Vienna in 1991 of the Special Rapporteur for consultations with the United Nations Centre for Social Development and Humanitarian Affairs (4 working days)	
Travel and subsistence	2 100
Consultancy services	
3 work-months at P-3 level	20 800
	24 900

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $24,900 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human Rights).

1990/7. Human rights and the environment

A. Requests contained in the draft resolution

1. By operative paragraphs 3 and 4 of the draft resolution, recommended for adoption by the Commission on Human Rights, it would be recommended to the Preparatory Committee for the United Nations Conference on Environment and Development that Mrs. Fatma Zohra Ksentini be invited to participate as an observer at the sessions of the Preparatory Committee and the Conference; further, the endorsement of the appointment of Mrs. Ksentini to prepare a study on human rights and the environment would be approved, and the Secretary-General would be requested to provide her with all of the assistance she may need for the completion of this task.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. A new output would have to be added in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Output: (xvi)	Preparation of a study on human rights and the environment

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of her mandate. This plan represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of her mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to chapter II of the document prepared by the Special Rapporteur (E/CN.4/Sub.2/1990/12), describing the methodology that the Special Rapporteur proposes to follow and, in particular, paragraphs 40 and 41, containing the author's recommendations. The Special Rapporteur is requested to present a preliminary report to the Sub-Commission at its forty-third session (1991), with a view to making a timely contribution to the Preparatory Committee of the United Nations Conference on Environment and Development; the draft resolution recommends to the Preparatory Committee that the Special Rapporteur be invited to participate as an observer at its sessions and at the Conference:

(a) The outline of the report as contained in the concise note (E/CN.4/Sub.2/1990/12), and the need to co-ordinate the study with the schedule of the preparatory process of the United Nations Conference on the

Environment and Development, will necessitate a more concentrated time frame, as distinct from the customary three-year cycle usually followed in the preparation of such studies. Furthermore, the nature of the subject of the study will require the provision of specialized knowledge combining, in particular, international law and environmental questions. This would entail the engagement of the services of such a specialist for a duration of approximately three months to assist the Centre for Human Rights in providing the research support required;

(b) The Special Rapporteur is required to participate as an observer at the meetings of the Preparatory Committee of the United Nations Conference on the Environment and Development. The Preparatory Committee is scheduled to hold three sessions in Geneva and in New York and the Conference itself is due to take place in Brazil in 1992;

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to take place for a period of five working days in 1991.

D. Modifications required in the programme of work

5. A new output would be added to the text of Section 23 (Human rights) of the proposed programme budget for the biennium 1990-1991.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)	1992
Two round trips of the Special Rapporteur to attend two preparatory conferences in Geneva in 1991 (3 weeks each time)		
Travel and subsistence	9 400	
One round trip of the Special Rapporteur to attend the final preparatory conference in New York in 1991 (3 weeks' duration)		
Travel and subsistence	7 800	
One round trip of the Special Rapporteur to attend the conference in Brazil in 1992 (2 weeks' duration)		
Travel and subsistence		4 400
Consultancy services		
3 work-months at P-4 level	25 200	____
	42 400	4 400

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $42,400 for 1991 and $4,400 for 1992.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/16. Realization of economic social and cultural rights

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the draft resolution, the Sub-Commission would request the Special Rapporteur, Mr. Danilo Türk, to prepare a second progress report on the realization of economic, social and cultural rights, taking into account all comments made in the discussion on the progress report at the forty-second session of the Sub-Commission. By operative paragraph 4 he would be encouraged to establish direct contact with the international financial institutions as well as United Nations agencies utilizing social and economic indicators relevant to the current data and study. By operative paragraph 6 the Secretary-General would be requested to organize a seminar under the United Nations programme of human rights activities in 1992-1993 for discussion of appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on the methodology thus far followed by the Special Rapporteur and which proposes to follow in carrying out his mandate. The Special Rapporteur elaborates his

plans further in the progress report presented to the Sub-Commission (E/CN.4/Sub.2/1990/19), particularly in chapter IV, "Preliminary Recommendations", which are endorsed in the draft resolution. This represents a tentative outline; the Special Rapporteur may therefore require additional resources in the implementation of his mandate, although every effort will be made to keep within the parameters set out in this document. The draft resolution requests the Special Rapporteur to prepare a second progress report. A final report would be anticipated for the following session. The programme budget implications given in the present document relate to the first phase of that plan, i.e. provision for the preparation of the second progress report due for submission to the Sub-Commission at its forty-third session in 1991:

(a) The draft resolution requests the Secretary-General to provide the Special Rapporteur with the necessary expert assistance to help him in analysing the data collected. The expertise required would have to provide knowledge and experience in data processing, including a special knowledge of indicators. This would entail the engagement of the services of such a specialist for a duration of approximately six months to provide the research support required;

(b) As stated by the Special Rapporteur in the first progress report and reiterated in the draft resolution, the Special Rapporteur plans to establish contacts with international financial institutions and United Nations agencies utilizing social and economic data and indicators. Adequate resources are therefore required to enable the Special Rapporteur to visit the offices of these institutions;

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1991;

(d) The draft resolution also invites the Commission on Human Rights to consider requesting the Secretary-General to organize a seminar in 1992-1993 to discuss appropriate indicators to measure achievements in the progressive realization of economic, social and cultural rights. The programme budget implications of this proposal will be made in the context of the appropriate draft proposal to be put before the Commission on Human Rights at its forty-seventh session, in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
Three round trips of the Special Rapporteur to establish contacts with international financial institutions and United Nations agencies (5 working days each time)	
Travel and subsistence */	7 500
One round trip of the Special Rapporteur for consultation with the Centre for Human Rights (5 working days)	
Travel and subsistence	1 900
Consultancy services	
6 work-months at P-4 level	50 300
	59 700

*/ Calculated on an average cost basis.

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $59,700 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/18. Right to a fair trial

A. Requests contained in the draft resolution

1. By operative paragraphs 2 and 3 of the draft resolution recommended for adoption by the Commission on Human Rights, it would be decided to entrust to Mr. Stanislav Chernichenko and Mr. William Treat the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening", and the Secretary-General would be requested to provide the two Special Rapporteurs with all the assistance they may require.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting,

research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs.

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteurs propose to follow in the carrying out of their mandate. This plan represents a tentative outline; the Special Rapporteurs may therefore require additional resources in the implementation of their mandate, although every effort will be made to keep within the parameters set out in this document. Reference is made, in this connection, to paragraphs 41, 49, 50, 51, 52, 55, 56, 146 and following of the preliminary report, where the Special Rapporteurs give further indication of their plan for the study. Also pertinent is the request in the draft resolution requiring submission of the preliminary report to the Commission on Human Rights at its forty-eighth session, in 1992. Programme budget implications given in the present document relate to the first phase of that plan, i.e. to provision for the preparation of the preliminary report due for submission to the Sub-Commission at its forty-third session, in 1991:

(a) The description of the report as contained in the preliminary report (E/CN.4/Sub.2/1990/34) will necessitate extensive research, as well as the processing of information obtained in response to the questionnaire referred to in the report and the draft resolution. As stated in the draft resolution, this study is intended to develop into a model code of international standards containing basic guarantees necessary for a fair trial. This is anticipated to entail the provision of adequate computerized facilities, including access to specialized data banks, and would also require the engagement of a specialist in computerized research technology for a duration of approximately six months to assist the Centre for Human Rights in providing the research support required;

(b) Consultations by the Special Rapporteurs with the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip to Geneva in 1991 of the two Special Rapporteurs for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	6 400
Consultancy services	
6 work-months at P-3 level	41 600
	48 000

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $48,000 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/19. Question of human rights and states of emergency

A. Requests contained in the draft resolution

1. By operative paragraphs 7 and 8 of the draft resolution, the Sub-Commission would invite the Special Rapporteur, Mr. L. Despouy, to continue the work with which he has been entrusted, to present to the Sub-Commission, at its forty-third session, the next annual report and list updated on the basis of the information received, and to update his present report so that the Commission on Human Rights, at its forty-seventh session, will have before it the most recent and accurate information available. It would further request the Secretary-General to give the Special Rapporteur all the assistance he may require in order to enable him to carry out his work successfully, and in particular to respond in an effective way to the information submitted to him.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard-setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Output: (vii)	Preparation of two reports for submission to the Sub-Commission by the Special Rapporteur on the question of human rights and states of emergency

C. Activities by which the requests would be implemented

4. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his mandate. This plan is based on the methodology followed thus far by the Special Rapporteur, as described in chaper I of his third report, which was originally prepared for the Sub-Commission at its forty-first session (E/CN.4/Sub.2/1989/30/Rev.1) and updated for the Commission on Human Rights at its forty-sixth session, in 1990, and for the present session of the Sub-Commission:

(a) The draft resolution invites the Special Rapporteur to continue his work and the Secretary-General is requested to give the Special Rapporteur all the assistance he may require to enable him to carry out his work successfully and in particular to respond in an effective manner to the information submitted to him. As stated in his report (chapter III, "Remarks and observations"), the Special Rapporteur has experienced problems in carrying out his mandate, given the volume of work involved and the anticipated considerable increase in the flow of information requiring analysis. The Special Rapporteur will require the organization of the voluminous information he receives through the application of computer technology. The Special Rapporteur will therefore require additional resources in the implementation of his mandate. It is estimated that to support the Special Rapporteur, specialized assistance will be required for approximately 10 months, in addition to secretarial assistance for the same period;

(b) In the light of the experience of the Special Rapporteur to date, as reflected in his report, it will also be required to provide him with specialized professional support in the form of an expert in international and constitutional law and practice;

(c) Consultations by the Special Rapporteur with the Centre for Human Rights at Geneva are estimated to require a period of five working days in 1991.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip to Geneva in 1991 of the Special Rapporteur for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	4 600
Specialized temporary assistance	
10 work-months at P-3 level	69 500
10 work-months at GS level	46 500
Consultancy services	
6 work-months at P-4 level	50 300
	170 900

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $170,900 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/25. Ownership and control of the cultural property of indigenous peoples

A. Requests contained in the draft resolution

1. By operative paragraph 4 of the draft resolution, the Sub-Commission would entrust Mrs. Erica-Irene Daes to prepare a working paper on the question of the ownership and control of the cultural property of indigenous peoples for submission to the ninth session of the Working Group on Indigenous Populations. By paragraphs 5 and 6, the Sub-Commission would request all organs and bodies of the United Nations system with relevant expertise, including UNESCO, to provide the Special Rapporteur with the information and assistance she may require for the completion of this task and would further request the Secretary-General to give the Special Rapporteur all the assistance she requires to carry out her work successfully.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 - Research and studies

Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. The draft resolution is based on the working text of the draft Universal Declaration on the Rights of Indigenous Peoples as contained in annexes III-V of document E/CN.4/Sub.2/1990/42, in particular, paragraphs 5, 6 and 8.

5. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Chairman-Rapporteur of the Working Group on Indigenous Populations proposes to follow in the carrying out of her mandate. To carry out these activities, programme budget implications are foreseen for activity (c) during the period preceding the ninth session of the Working Group on Indigenous Populations:

(a) The main activity which is envisaged is the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples by the Chairman-Rapporteur, which paper will be presented at the ninth session of the Working Group on Indigenous Populations;

(b) For this the assistance of all relevant organs and bodies of the United Nations system is requested;

(c) More specifically, the assistance from UNESCO is requested and it is envisaged that the Chairman-Rapporteur will travel to Paris for one week for consultations with UNESCO.

D. Modifications required in the programme of work

6. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Chairman-Rapporteur to UNESCO (Paris) (5 working days)	
Travel and subsistence	2 800

8. The relevant costs to be financed under section 23 (Human rights) are estimated at $2,800 for 1991.

F. Potential for absorption

9. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/26. Draft universal declaration of indigenous rights

A. Requests contained in the draft resolution

1. By operative paragraph 8 of the draft resolution, the Sub-Commission would request the Secretary-General:

(a) To transmit the Working Group's report to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the present session of the Sub-Commission, for specific comments and suggestions aimed at the clarification, simplification and generalization of the texts contained in the annexes to its report;

(b) To ensure that all meetings of the Working Group at its ninth and future sessions are provided with interpretation and documentation in both Spanish and English;

(c) To prepare a brief note on the financial implications of convening one or more of the future sessions of the Working Group in Latin America or Asia, for consideration by the Working Group at its ninth session;

(d) To organize a regional training course in Latin America on the United Nations, human rights and indigenous peoples, as a matter of the highest priority and in accordance with Sub-Commission resolution 1989/35, and for this purpose to utilize to the greatest possible extent the expertise of the members of the Working Group and of indigenous peoples' organizations;

(e) To give all necessary assistance to the Working Group in discharging its tasks, including the more effective dissemination of information about its activities to indigenous peoples in every country to encourage their wider participation.

2. By operative paragraph 9 of the draft resolution, the Sub-Commission would recommend that the Chairman-Rapporteur of the Working Group, Mrs. Daes, be entrusted with the task of preparing an extensive analytical commentary on the articles of the draft declaration, based on her first revised text, the reports of the informal drafting groups, the debate at the eighth session of the Working Group, the written observations received in accordance with operative paragraph 8 (a) above, existing international human rights instruments, and other available comments.

3. By operative paragraph 13 of the draft resolution, the Sub-Commission would further recommend the following draft decision to the Commission on Human Rights for adoption:

> The Commission on Human Rights, noting Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1990/... of 1990, decides to recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-third session of the Sub-Commission, for the purpose of intensifying its efforts to complete a draft declaration on the rights of indigenous peoples in consultation with interested Governments and organizations of indigenous peoples.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 2, "Elimination and prevention of discrimination and protection of minorities and vulnerable groups", and subprogramme 3, "Advisory services and technical assistance in the field of human rights and publications", the objectives of and the strategy for which are described in paragraphs 6.25, 6.27, 6.28 to 6.36 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

5. The activities are included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights) and section 24 (Regular programme of technical co-operation):

Programme element 2.1 -	Elimination and prevention of discrimination and protection of minorities and vulnerable groups

Output: (xix) Substantive servicing of two sessions of the Working Group on Indigenous Populations.

Subprogramme 3 -	Advisory services and technical co-operation in the field of human rights
Programme element 1.1	Training

Outputs: (i) Seminars on a specific subject on human rights

(ii) Training courses on human rights

C. Activities by which the requests would be implemented

6. The draft resolution is based on the substantive progress that was made on the working text of the draft Universal Declaration on the Rights of Indigenous Peoples during the eighth session of the Working Group on Indigenous Populations.

7. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Chairman-Rapporteur of the Working Group on Indigenous Populations proposes to follow in the carrying out of her mandate, in particular in view of the current working method of the Working Group, based on a continued participation of and dialogue between representatives of indigenous peoples, Governments and members of the Working Group. Reference is made, in this connection, to paragraphs 2 and 3 of the recommendations of the report of the eighth session of the Working Group on Indigenous Peoples (E/CN.4/Sub.2/1990/42). Programme budget implications given in the present document relate to activity (b), (c) and (d) of the plan as presented below:

(a) Copies of the Working Group's report will be transmitted to Governments, indigenous peoples, intergovernmental and non-governmental organizations;

(b) The Chairman-Rapporteur will continue with the task to prepare an extensive analytical commentary on the articles of the draft declaration, based on her first revised text and the discussions during the eighth session of the Working Group. It is envisaged that the Chairman-Rapporteur will travel to Geneva for one week of consultations with the Centre for Human Rights;

(c) The Commission on Human Rights at its forty-seventh session, is requested to recommend to the Economic and Social Council to authorize the Working Group on Indigenous Populations to meet for 10 working days prior to the forty-third session of the Sub-Commission, with full interpretation and documentation facilities in the two working languages of the Working Group, which are English and Spanish. Also facilities in Russian are requested because of the expected participation of a delegation from the USSR;

(d) In accordance with Sub-Commission resolution 1989/35, the Secretary-General is requested to organize a regional training course on the United Nations, human rights and indigenous peoples, as a matter of the highest priority. For this training course a number of 35 participants is envisaged.

D. Modifications required in the programme of work

8. No modification is required in the programme of work approved for 1990-1991, since these activities appear under programme element 1.1 of section 24 and 2.1 of section 23.

E. Additional requirements at full cost

9. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Chairman-Rapporteur to Geneva for consultations (5 working days)	
Travel and subsistence	2 200
Additional daily subsistence allowance for the members of the Working Group for one extra week	
(It has been noted that the travel expenses of the members concerned would be covered under the normal provision for the attendance at the Sub-Commission)	
Subsistence	7 400
Regional training course	
(On the assumption that the regional training course would be held in Geneva using the six official languages of the United Nations over a period of five days)	
Travel and subsistence 35 participants (calculated on an average cost basis (35 x $2,500))	87 500
	97 100

10. The relevant costs to be financed under section 23 (Human rights) are estimated at $96,600 and under section 24 (Regular programme of technical co-operation) $87,500 for 1991.

11. The additional conference costs under section 29 B (Conference Services Division, Geneva) for both the extra services for the Working Group and the regional training course are calculated at $137,800 for 1991.

F. Potential for absorption

12. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights) and section 24 (Regular programme of technical co-operation).

1990/27. Economic and social relations between indigenous peoples and States

A. Requests contained in the draft resolution

1. By operative paragraph 1 of the draft resolution, the Sub-Commission would recommend that the United Nations Conference on Environment and Development provide indigenous peoples' organizations with effective means of participating directly in its work, and that any new conventions which may be adopted regarding biodiversity, or conserving renewable resources, provide explicitly for the role of indigenous peoples as resource users and managers, and for the protection of indigenous peoples' right to control their own traditional knowledge of ecosystems.

2. By operative paragraph 2 of the draft resolution, the Sub-Commission would invite the Special Rapporteur on human rights and the environment, Mrs. Fatma Zohra Ksentini, to take into account the special relationship between fragile habitats and indigenous peoples, especially with respect to sustainability, and would also invite the Special Rapporteur on compensation for human rights violations, Mr. Theo van Boven, to address indigenous concerns in his forthcoming reports to the Sub-Commission.

3. By operative paragraph 3 of the draft resolution, the Sub-Commission would request the Secretary-General to:

(a) Convene, as soon as possible, the meeting of experts on indigenous self-government and the technical conference on achieving environmentally sound and sustainable self-development for indigenous people, and to include indigenous experts among the invitees in accordance with existing practice;

(b) Bring this resolution to the attention of the Secretary-General of the United Nations Conference on Environment and Development and the Chairman of the Preparatory Committee for the Conference, drawing their attention in particular to the recommendations contained in operative paragraph 1, and invite them to indicate what steps they may be able to take in accordance with those recommendations;

(c) Arrange for the Centre for Human Rights to enter into discussions with United Nations operational programmes in development and environment, regarding possible mechanisms and guidelines for promoting the rights of indigenous peoples through their direct participation in the planning and implementation of projects;

(d) Invite the World Intellectual Property Organization to prepare, in consultation with other appropriate specialized agencies and indigenous peoples' organizations, recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session;

(e) Submit a report to its forty-third session on the measures taken to implement this resolution, and the results achieved.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 3, "Advisory services and technical assistance in the field of human rights and publications", the objectives of and the strategy for which are described in paragraphs 6.28 to 6.36 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

5. The following programme element of section 24 (Regular programme of technical co-operation) of the programme budget for the biennium 1990-1991 is directly affected by the activities referred to in the draft resolution:

Subprogramme 3 -	Advisory services and technical co-operation in the field of human rights
Programme element 1.1	Training

Outputs: (i) Seminars on a specific subject on human rights

(ii) Training courses on human rights

C. Activities by which the requests would be implemented

6. The draft resolution is based on Sub-Commission resolution 1989/35 on technical assistance to indigenous peoples in the fields of human rights, development and the environment; Sub-Commission decision 1989/112 on a meeting of experts on indigenous self-government, authorized by General Assembly resolution 42/47 and on Economic and Social Council decision 1990/238 authorizing it to convene a United Nations technical conference on self-development for indigenous peoples.

7. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on the recommendations adopted at the eighth session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42), on the recommendations of the Seminar on the effects of racism and racial discrimination on the economic and social relations between indigenous peoples and States (E/CN.4/1989/22). Programme budget implications given in the present document relate to activity (c) and (d) of the plan as presented below:

(a) In view of the above resolutions and decisions as well as the report of the Working Group, the United Nations Conference on Environment and Development, through the Secretary-General, is requested to provide indigenous peoples' organizations with effective means to participate directly in its work;

(b) Both Special Rapporteurs on Human Rights and the Environment as well as on Compensation for Human Rights Violations are requested to address specific indigenous concerns in their forthcoming reports;

(c) The Secretary-General is requested to convene, as soon as possible, the meeting of experts on indigenous self-government and to include indigenous experts among the invitees;

(d) The Secretary-General is requested to convene, as soon as possible, the technical conference on achieving environmentally sound and sustainable self-development for indigenous peoples and to include indigenous experts among the invitees;

(e) The Secretary-General is requested to invite the World Intellectual Property Organization to prepare recommendations concerning the protection of the intellectual property of indigenous peoples, for discussion at the Working Group's ninth session;

(f) The Secretary-General is requested to submit a report to the forty-third session of the Sub-Commission on the measures taken and the results achieved by implementing this resolution.

D. Modifications required in the programme of work

8. No modifications are required in the programme of work approved for 1990-1991 since the activity appears under programme element 1.1.

E. Additional requirements at full cost

9. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
Meeting of Experts on Indigenous Self-government (32 participants)	
Travel and subsistence	80 000
Meeting of Experts on achieving environmentally sound and sustainable self-development for indigenous peoples (32 participants)	
Travel and subsistence	80 000
	160 000

F. Potential for absorption

10. The relevant costs to be financed under section 24 (Regular programme of technical co-operation) are estimated at $160,000 for 1991.

11. On the assumption that the meetings would be held in Geneva using three official languages of the United Nations for a period of five working days each time, the additional conference costs under section 29 B (Conference Services Division, Geneva) are calculated at $49,200 for 1991.

1990/28. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

A. Requests contained in the draft resolution

1. By operative paragraphs 3 and 4 of the draft resolution, the Sub-Commission would request the Special Rapporteur, Mr. Miguel Alfonso Martínez, to submit a preliminary report on his study to the Working Group at its ninth session and to the Sub-Commission at its forty-third session and would further request the Secretary-General to provide the Special Rapporteur with all the necessary assistance to timely carry out his study, in particular the necessary consultancy originally foreseen and a study trip to both Washington and Seville.

B. Relationship of requests to programme of work

2. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 - Research and studies

Intermediate output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. The draft resolution is based on the report of the eighth session of the Working Group on Indigenous Populations (E/CN.4/Sub.2/1990/42), in particular on the working paper and questionnaire submitted by the Special Rapporteur, Mr. Miguel Alfonso Martínez.

5. In order to carry out the requests contained in the draft resolution, the following activities are envisaged. These activities are based on a basic plan that the Special Rapporteur proposes to follow in the carrying out of his mandate. Programme budget implications given in the present document relate to activity (a), (b) and (c) of the plan as presented below:

(a) The draft resolution requests the Special Rapporteur to submit a preliminary report to the Working Group at its ninth session and to the Sub-Commission at its forty-third session. As indicated in his report to the Working Group, the Special Rapporteur experienced problems in carrying out his mandate in the previous year, mainly due to the unprecedented nature of the study. Before finalizing his preliminary report in April 1991, the Special Rapporteur will still need to make his trip to Washington, which was scheduled for 1990, as well as another trip to Seville in the first quarter of 1991, both for five working days;

(b) The Special Rapporteur further needs the support of specialized assistance at the P-4 level, to collect, review and analyse treaties and similar arrangements relating to indigenous populations, for nine months in 1991;

(c) It is further envisaged that the Special Rapporteur will visit the Centre for Human Rights for consultations and finalization of his preliminary report in the first quarter of 1991, for a period of five working days.

D. Modifications required in the programme of work

6. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Special Rapporteur to Washington and Seville (5 working days each time)	
Travel and subsistence	4 800
One round trip of the Special Rapporteur to Geneva for consultations with the Centre for Human Rights (5 working days)	
Travel and subsistence	3 100
Consultancy Services	
9 work-months at the P-4 level	75 500
	83 400

8. The relevant costs to be financed under section 23 (Human rights) are estimated at $83,400 for 1991.

1990/29. International year of the world's indigenous peoples

A. Requests contained in the draft resolution

1. By operative paragraph 3 of the draft resolution, the Sub-Commission would request the Secretary-General to:

(a) Transmit the working paper of Mr. Eide and Mrs. Mbonu, through the Commission on Human Rights, to the Economic and Social Council;

(b) Bring the working paper of Mr. Eide and Mrs. Mbonu, together with the recommendations contained in its resolution 1989/36, to the attention of the forty-fifth session of the General Assembly in connection with its consideration of Economic and Social Council decision 1990/248;

(c) Report to the forty-third session of the Sub-Commission on the disposition of the recommendations contained in Economic and Social Council decision 1990/248, Sub-Commission resolution 1989/36, and the present resolution.

2. By operative paragraph 4 of the draft resolution, it would request Mr. Eide and Mrs. Mbonu to submit, at its forty-third session, a second working paper providing more specific suggestions for activities that might be carried out at the national and international levels, indicating the geographical scope and the relevant groups which should be encouraged to participate in the activities of the year.

3. By operative paragraph 5 of the draft resolution, it further requests Mr. Eide and Mrs. Mbonu to evaluate the achievements made when the programme has been carried out, at the end of the international year.

B. Relationship of requests to programme of work

4. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

5. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 - Research and studies

Intermediate output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

6. It is envisaged that the Special Rapporteur, Mrs. Mbonu, would travel to Geneva for a period of five working days for consultations with Mr. Eide and the Centre on the preparation of the second working paper to be submitted to the Sub-Commission at its forty-third session. It has been noted that no additional travel expenses would be incurred for Mr. Eide as he would be expected to be in Geneva on other official business at that time.

D. Modifications required in the programme of work

7. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

8. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Special Rapporteur to Geneva in 1991 for consultations (5 working days)	
Travel and subsistence	2 600

9. The relevant costs to be financed under section 23 (Human rights) are estimated at $2,600 for 1991.

F. Potential for absorption

10. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/32. Report on human rights and youth prepared by Mr. Dumitru Mazilu

A. Requests contained in the draft resolution

1. By operative paragraphs 1 and 2 of the draft resolution, the Sub-Commission would decide to request Mr. Mazilu to update and complete his report in the light of the discussion during the Sub-Commission's forty-second session and would further decide to invite Mr. Mazilu to present his report at its forty-third session.

2. By operative paragraph 3 of the draft resolution, it would request the Secretary-General to continue to gather and furnish to Mr. Mazilu information relating to his study, and to provide Mr. Mazilu with all the assistance he might need in completing his report, including consultation with the Centre for Human Rights.

B. Relationship of requests to programme of work

3. The activities referred to above fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

4. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 - Research and studies

Intermediate output: Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

5. It is envisaged that Mr. Mazilu would travel to Geneva for a period of five working days in 1991 to hold consultations at the Centre for Human Rights in connection with the updating and completion of his report.

D. Modifications required in the programme of work

6. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

7. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of Mr. Mazilu to Geneva in 1991 for consultations at the Centre (5 working days)	
Travel and subsistence	2 100

8. The relevant costs to be financed under section 23 (Human rights) are estimated at $2,100 for 1991.

F. Potential for absorption

9. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

1990/117. Preliminary report on the right to freedom of opinion and expression

A. Requests contained in the draft decision

1. By the draft decision the Sub-Commission would decide to request the Secretary-General to give to the Special Rapporteur, Mr. Luis Varela Quiros, any assistance he may require to accomplish his work, and further decide to continue consideration of his report at its forty-third session.

B. Relationship of requests to programme of work

2. The activities referred to above all fall under chapter 6, section II, "Programme: Centre for Human Rights", subprogramme 4, "Standard setting, research and studies", the objectives of and the strategy for which are described in paragraphs 6.38 and 6.40 of the medium-term plan for the period 1984-1989 (A/37/6) as extended through 1991 (A/43/6 and Corr.1).

3. The activity is included in the programme budget for the biennium 1990-1991 under the following programme element of section 23 (Human rights):

Programme element 4.2 -	Research and studies
Intermediate output:	Assistance to Special Rapporteurs or experts for the preparation of 15 reports, studies and working papers mandated by policy-making organs

C. Activities by which the requests would be implemented

4. It is envisaged that the Special Rapporteur would travel to Geneva in 1991 for a period of five working days to hold consultations at the Centre for Human Rights.

D. Modifications required in the programme of work

5. No modification is required in the programme of work approved for 1990-1991, since this activity appears under programme element 4.2.

E. Additional requirements at full cost

6. The estimated cost of the programme of work is itemized as follows:

	1991 (US dollars)
One round trip of the Special Rapporteur to Geneva in 1991 for consultations at the Centre (5 working days)	
Travel and subsistence	3 800
General temporary assistance	
Three work-months at the P-3 level	20 800
	24 600

7. The relevant costs to be financed under section 23 (Human rights) are estimated at $24,600 for 1991.

F. Potential for absorption

8. This resolution is considered to be within the scope of perennial activities and resources will normally be provided under section 23 (Human rights).

Annex IV

LIST OF STUDIES AND REPORTS UNDER PREPARATION BY MEMBERS OF THE SUB-COMMISSION IN ACCORDANCE WITH EXISTING LEGISLATIVE AUTHORITY a/

ON-GOING STUDIES AND REPORTS

Item		Title	Entrusted to	Legislative authority	Timetable for completion
4	1.	Study on recent developments with regard to traditional practices affecting the health of women and children	Ms. Halima Embarek Warzazi	ECOSOC decision 1990/246 Commission on Human Rights decision 1990/109 and Sub-Commission resolution 1989/16	To be submitted at the forty-third session of the Sub-Commission
4	2.	Report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms	Mr. Theo van Boven	ECOSOC resolution 1990/36 Sub-Commission resolution 1990/6	Progress report to be submitted at the forty-third session of the Sub-Commission
4	3.	Study on the right to freedom of opinion and expression	Messrs. Louis Joinet and Danilo Türk	ECOSOC resolution 1990/35 Sub-Commission decision 1990/117	Updated report to be submitted at the forty-third session of the Sub-Commission
4	4.	Study on problems and causes of discrimination against HIV infected people or people with AIDS	Mr. Luis Varela Quirós	ECOSOC decision 1990/239 Sub-Commission decision 1990/118	Progress report to be submitted at the forty-third session of the Sub-Commission
5 (a)	5.	Annual updated list of banks, transnational corporations and other organizations assisting South Africa	Mr. Ahmed Khalifa	General Assembly resolution 43/92, ECOSOC resolution 1989/73, Sub-Commission resolution 1990/3 and draft resolution I */	To be submitted at the forty-third session of the Sub-Commission, the forty-eighth session of the Commission and the forty-seventh session of the General Assembly
8	6.	Study on the realization of economic, social and cultural rights	Mr. Danilo Türk	ECOSOC decision 1989/138 and Sub-Commission resolution 1990/16	Progress report to be submitted to the forty-third session of the Sub-Commission
10	7.	Preliminary report on the study on the right to a fair trial	Messrs. Stanislav Chernichenko and William Treat	Sub-Commission resolutions 1989/27 and 1990/18	To be submitted at the forty-third session of the Sub-Commission and its Working Group on Detention

*/ Subject to approval by the Economic and Social Council.

a/ This list has been prepared in accordance with Commission resolution 1982/23.

ON-GOING STUDIES AND REPORTS

Item		Title	Entrusted to	Legislative authority	Timetable for completion
10	8.	Annual updated report and list of countries which proclaim, extend or terminate a state of emergency	Mr. Leandro Despouy	Sub-Commission resolution 1990/19	To be submitted at the forty-third session of the Sub-Commission
10	9.	Report on violations of human rights of staff members of the United Nations system	Ms. Mary Bautista	Sub-Commission resolution 1990/20	Final report to be submitted at the forty-third session of the Sub-Commission
10	10.	Report on human rights of detained juveniles	Ms. Mary Bautista	Sub-Commission resolutions 1989/31 and 1990/21	To be submitted at the forty-third session of the Sub-Commission
12	11.	Final study on human rights and disability	Mr. Leandro Despouy	Sub-Commission resolutions 1984/20 and 1988/8, decision 1990/113	To be submitted at the forty-third session of the Sub-Commission
14	12.	Working paper on the interrelationship between peace and human rights	Mr. Murlidhar Bhandare	Sub-Commission resolution 1989/47	To be submitted at the forty-third session of the Sub-Commission
15	13.	Study on treaties, agreements, and other constructive agreements concluded between States and indigenous peoples	Mr. Miguel Alfonso Martinez	ECOSOC resolution 1989/77 and Sub-Commission resolution 1990/28	Preliminary report to be submitted at the forty-third session of the Sub-Commission
15	14.	Second working paper for activities to be carried out for an international year for indigenous rights	Mr. Asbjorn Eide Mrs. Mbonu	Sub-Commission resolution 1990/29	To be submitted at the forty-third session of the Sub-Commission
17	15.	Progress report on human rights and youth	Mr. Dumitru Mazilu	Sub-Commission resolutions 1985/12 and 1990/32	To be submitted at the forty-third session of the Sub-Commission
18	16.	Study on possible ways and means of facilitating the peaceful solution of problems involving minorities	Mr. Asbjorn Eide	ECOSOC decision 1990/246 Sub-Commission resolution 1990/5	Preliminary report to be submitted at the forty-third session of the Sub-Commission

NEW STUDIES

Item		Title	Entrusted to	Legislative authority	Timetable for completion
4	17.	Study on human rights and the environment	Ms. Fatma Zohra Ksentini	Sub-Commission resolution 1990/7 and draft resolution IV */	Preliminary report to be submitted at the forty-third session of the Sub-Commission
7	18.	Preliminary study on human rights and extreme poverty	Mr. Eduardo Suescún Monroy	Commission on Human Rights resolution 1990/15 Sub-Commission decision 1990/119	To be submitted at the forty-third session of the Sub-Commission
11	19.	Report on strengthening the independence of the judiciary and the protection of practising lawyers	Mr. Louis Joinet	Sub-Commission resolution 1990/23 and draft decision VI */	To be submitted at the forty-third session of the Sub-Commission
15	20.	Working paper on the question of the ownership in control of the cultural property of indigenous peoples	Ms. Erica-Irene A. Daes	Sub-Commission resolution 1990/25	To be submitted to the ninth session of the Working Group on Indigenous Populations
15	21.	An extensive analytical commentary on the articles of the draft declaration of indigenous rights	Ms. Erica-Irene A. Daes	Sub-Commission reolution 1990/26	To be submitted to the ninth session of the Working Group on Indigenous Populations
19	22.	Revised version of the draft declaration on the right to leave	Mr. Waleed M. Sadi	Sub-Commission decision 1990/123	To be submitted to the forty-third session of the Sub-Commission and its Working Group on the right to leave

*/ Subject to approval by the Economic and Social Council.

Annex V

LIST OF DOCUMENTS ISSUED FOR THE FORTY-SECOND SESSION OF THE SUB-COMMISSION

Documents issued in the general series

Symbol	Agenda item	
E/CN.4/Sub.2/1990/1	2	Provisional agenda: note by the Secretary-General
E/CN.4/Sub.2/1990/1/Add.1 and Add.2	2	Annotations to the provisional agenda prepared by the Secretary-General
E/CN.4/Sub.2/1990/2	3	List of studies and reports prepared pursuant to Sub-Commission decision 1989/103: note by the Secretary-General
E/CN.4/Sub.2/1990/3		Not issued
E/CN.4/Sub.2/1990/4	4	Note by the Secretary-General
E/CN.4/Sub.2/1990/5	4	Memorandum submitted by the International Labour Office
E/CN.4/Sub.2/1990/6	4	Report submitted by UNESCO
E/CN.4/Sub.2/1990/7	13	Movement and dumping of toxic and dangerous products and wastes: report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1990/43
E/CN.4/Sub.2/1990/8		Not issued
E/CN.4/Sub.2/1990/9	4	Discrimination against HIV - infected people or people with AIDS: preliminary report prepared by Mr. Luis Varela Quiros, Special Rapporteur
E/CN.4/Sub.2/1990/10	4	Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms: preliminary report submitted by Mr. Theo van Boven, Special Rapporteur

E/CN.4/Sub.2/1990/11	4	Proposals for a study of the problem of the environment and its relation to human rights: note prepared by Ms. Fatma Zohra Ksentini pursuant to Sub-Commission decision 1989/108
E/CN.4/Sub.2/1990/12	13	The right to freedom of opinion and expression; current problems of its realization and measures necessary for its strengthening and promotion: preliminary report prepared by Mr. Danilo Türk and Mr. Louis Joinet, Special Rapporteurs
E/CN.4/Sub.2/1990/13 and Add.1	5 (b)	Updated report prepared by Mr. Ahmad M. Khalifa, Special Rapporteur
E/CN.4/Sub.2/1990/14	6	Report of an open-ended Working Group established pursuant to Sub-Commission decision 1989/104
E/CN.4/Sub.2/1990/15	6	Note by the Secretary-General
E/CN.4/Sub.2/1990/16	6	Note by the Secretary-General
E/CN.4/Sub.2/1990/17	4	Review of further developments in fields with which the Sub-Commission has been concerned: Protection of Journalists: Report by Mr. Waleed Sadi pursuant to Sub-Commission resolution 1989/2
E/CN.4/Sub.2/1990/18		Not issued
E/CN.4/Sub.2/1990/19	7	Realization of economic, social and cultural rights: progress report prepared by Mr. Danilo Türk, Special Rapporteur
E/CN.4/Sub.2/1990/20 and Add.1	10 (a)	Report of the Secretary-General containing information submitted by Governments pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974
E/CN.4/Sub.2/1990/21	10 (a)	Report of the Secretary-General containing information submitted by specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974

E/CN.4/Sub.2/1990/22	10 (a)	Synopsis of material received from non-governmental organizations in consultative status with the Economic and Social Council prepared by the Secretariat
E/CN.4/Sub.2/1990/23	10 (a)	Succinct information on developments in the human rights programme and on the activities within the United Nations programme on crime prevention and control as they relate to the question of human rights of persons subjected to any form of detention or imprisonment: report of the Secretary-General
E/CN.4/Sub.2/1990/24		Not issued
E/CN.4/Sub.2/1990/25 and Add. 1	10 (a)	Report of the Secretary-General on the application of international standards concerning the human rights of detained juveniles prepared pursuant to Sub-Commission resolution 1989/31
E/CN.4/Sub.2/1990/26 and Add. 1 and Add.2	10 (a)	Report of the Secretary-General on the application of the death penalty to persons under 18 years of age prepared pursuant to Sub-Commission resolution 1989/32
E/CN.4/Sub.2/1990/27	10 (a)	Comments submitted by Governments and specialized agencies pursuant to General Assembly resolution 44/162 of 15 December 1989: report of the Secretary-General
E/CN.4/Sub.2/1990/28		Not issued
E/CN.4/Sub.2/1990/29 and Add.1	10 (a)	Report on the practice of administrative detention submitted by Mr. Louis Joinet
E/CN.4/Sub.2/1990/30	10 (a)	Protection of the human rights of United Nations staff members, experts and their families: updated report prepared by Ms. M.C. Bautista, Special Rapporteur
E/CN.4/Sub.2/1990/31		Not issued

E/CN.4/Sub.2/1990/32	10	Report of the Working Group on Detention
E/CN.4/Sub.2/1990/33 and Add. 1 and Add.2	10 (b)	Working paper presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37
E/CN.4/Sub.2/1990/34	10 (d)	Brief report prepared by Mr. Stanislav Chernichenko and Mr. William Treat in accordance with resolution 1989/27 of the Sub-Commission
E/CN.4/Sub.2/1990/35	11	Working paper prepared by Mr. Louis Joinet on means in the area of monitoring by which the Sub-Commision could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers in accordance with resolution 1989/32 of the Commission on Human Rights
E/CN.4/Sub.2/1990/36		Not issued
E/CN.4/Sub.2/1990/37 and Add.1-3	13	Respect for the right to life: elimination of chemical weapons: report of the Secretary-General prepared in accordance with Sub-Commission resolution 1989/39
E/CN.4/Sub.2/1990/38	14	Note by the Secretary-General
E/CN.4/Sub.2/1990/39	15	Analytical commentary on the draft principles contained in the first revised text of the draft declaration on the rights of indigenous peoples (E/CN.4/Sub.2/1989/36) elaborated by the Chairman/Rapporteur of the Working Group on Indigenous Populations, Ms. Erica-Irene A. Daes
E/CN.4/Sub.2/1990/40		Not issued
E/CN.4/Sub.2/1990/41	15	Possible United Nations activites for an International Year for Indigenous Rights: working paper submitted by Mr. Asbjörn Eide and Ms. Christy Mbonu

E/CN.4/Sub.2/1990/42	15	Report of the Working Group on Indigenous Populations on its eighth session
E/CN.4/Sub.2/1990/43 and Add.1 and Add.2	16	The adoption of children for commercial purposes and the recruitment of children into government and non-governmental armed forces: report of the Secretary-General prepared pursuant to Sub-Commission on Prevention of Discrimination and Protection of Minorities resolution 1989/41
E/CN.4/Sub.2/1990/44	16	Report of the Working Group on Contemporary Forms of Slavery on its fifteenth session
E/CN.4/Sub.2/1990/45 and Corr.1	17 (a)	Updated report on human rights and youth submitted by Mr. Dumitru Mazilu, Special Rapporteur
E/CN.4/Sub.2/1990/46	18	Possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities: progress report submitted by Mr. Asbjörn Eide
E/CN.4/Sub.2/1990/47	19	Report of the Secretary-General prepared pursuant to Sub-Commission resolution 1989/25
E/CN.4/Sub.2/1990/48	19	Report of the Working Group on a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country
E/CN.4/Sub.2/1990/49	6	Letter dated 14 May 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights
E/CN.4/Sub.2/1990/50	6	Letter dated 20 August 1990 from the Chargé d'affaires of the Permanent Mission of the Socialist People's Republic of Albania to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission on Prevention of Discrimination and the Protection of Minorities

E/CN.4/Sub.2/1990/51	3	Note presented by Ms. Claire Palley on the secret ballot in the Sub-Commission
E/CN.4/Sub.2/1990/52	16	Written statement submitted by the United Nations Children's Fund
E/CN.4/Sub.2/1990/53	6	Letter dated 21 August 1990 from the Chargé d'affaires of the Permanent Mission of the United States of America to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission
E/CN.4/Sub.2/1990/54	10 (a)	Letter dated 21 August 1990 from the Permanent Representative of Cambodia to the United Nations Office at Geneva addressed to the Chairman of the Sub-Commission
E/CN.4/Sub.2/1990/55	6	Letter dated 22 August 1990 from the Permanent Mission of Lebanon to the Chairman of the forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities
E/CN.4/Sub.2/1990/56	6	Working paper submitted by Mr. Chernichenko
E/CN.4/Sub.2/1990/57	6	Working paper submitted by Mr. van Boven
E/CN.4/Sub.2/1990/58	15	Note by the Chairman
E/CN.4/Sub.2/1990/SR.1-36		Summary records of the meetings of the forty-second session of the Sub-Commission

Documents issued in the limited series

Symbol	Agenda item	
E/CN.4/Sub.2/1990/L.1		Draft provisional agenda for the forty-third session of the Sub-Commission
E/CN.4/Sub.2/1990/L.2	5 (a)	Ms. Palley: draft decision
E/CN.4/Sub.2/1990/L.3	5 (a)	Mr. Sachar: draft resolution
E/CN.4/Sub.2/1990/L.4	3	Mr. van Boven and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.5	5 (a)	Mr. Daes, Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Mbonu, Mr. Tian Jin, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.6	5 (a)	Ms. Bautista, Mr. Alfonso Martínez, Mr. Guissé, Mr. Joinet, Ms. Ksentini, Mr. Suescún Monroy, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.7	3	Mr. Alfonso Martínez, Mr. Khalifa, Mr. Tian Jin and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.8	18	Mr. van Boven, Mr. Chernichenko, Mr. Hatano, Mr. Heller, Mr. Joinet, Ms. Palley, Mr. Sachar, Mr. Treat, and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.8/Rev.1	18	Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley, Mr. Sachar, Mr. Treat, and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.9	5 (b)	Mr. Alfonso Martínez, Ms. Attah, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Diaconu, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Ramishvili, Mr. Saboia, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution

E/CN.4/Sub.2/1990/L.10 (and Add.1-18)	21	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session
E/CN.4/Sub.2/1990/L.11 (and Add.1-9)	21	Draft report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-second session
E/CN.4/Sub.2/1990/L.12	3	Amendment to draft resolution E/CN.4/Sub.2/1990/L.7 submitted by Mr. Despouy
E/CN.4/Sub.2/1990/L.13	5 (a)	Amendment to draft resolution E/CN.4/Sub.2/1990/L.5 submitted by Mr. Eide
E/CN.4/Sub.2/1990/L.14	5 (a)	Amendment to draft resolution E/CN.4/Sub.2/1990/L.6 submitted by Mr. van Boven
E/CN.4/Sub.2/1990/L.15	3	Amendments to draft resolution E/CN.4/Sub.2/1990/L.7 submitted by Mr. Joinet
E/CN.4/Sub.2/1990/L.16	5 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.9: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.17	18	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.8/Rev.1: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.18	3	Amendments to draft resolution E/CN.4/Sub.2/1990/L.4 submitted by Mr. Joinet
E/CN.4/Sub.2/1990/L.19	6	Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Ms. Palley. Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution

E/CN.4/Sub.2/1990/L.20	10	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Flinterman, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Sachar, Mr. Suescún Monroy, Mr. Türk and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.21	6	Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Joinet and Ms. Palley: draft resolution
E/CN.4/Sub.2/1990/L.22	14	Mr. Alfonso Martínez, Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Ms. Palley, Mr. Saboia, Mr. Sachar, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.23	6	Mr. van Boven, Ms. Daes, Mr. Eide, Ms. Palley and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.24	6	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.25	11	Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Mr. Despouy, Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim, Mr. Sachar, Mr. Suescún Monroy and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.26	4	Mr. Alfonso Martínez, Ms. Bautista, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mr. Sachar, Mr. Treat and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1990/L.27	10 (d)	Ms. Daes, Mr. Hatano, Mr. Ilkahanaf, Ms. Ksentini, Ms. Palley, Mr. Sachar, Mr. Sadi, Ms. Warzazi and Mr. Yimer: draft

E/CN.4/Sub.2/1990/L.28	16	Ms. Daes, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Saboia, Mr. Sadi and Mr. Suescún Monroy: draft resolution
E/CN.4/Sub.2/1990/L.29	16	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Eide, Mr. Flinterman, Mr. Guissé, Mr. Heller, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Saboia, Mr. Sadi, Mr. Suescún Monroy and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.30	10	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Eide, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Mr. Sadi, Mr. Suescún Monroy and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.31	7	Mr. Alfonso Martínez, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Mrs Ksentini, Mr. Maxim, Ms. Mbonu, Palley and Mr. Sachar: draft decision
E/CN.4/Sub.2/1990/L.32	6	Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Heller, Mr. Joinet, Mr. Saboia and Mr. Suescún Monroy: draft resolution
E/CN.4/Sub.2/1990/L.33	4	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Mr. Maxim, Ms. Mbonu, Mr. Saboia, Mr. Sachar, Mr. Sadi, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.34	6	Mr. Alfonso Martínez, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Mr. Sachar, Mr. Sadi and Mr. Tian Jin: draft resolution
E/CN.4/Sub.2/1990/L.35	6	Ms. Bautista, Mr. van Boven, Mr. Despouy, Mr. Eide, Mr. Hatano, Mr. Joinet, Mr. Merills, Mr. Suescún Monroy, Mr. Treat and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.36	10	Mr. van Boven, Ms. Daes

E/CN.4/Sub.2/1990/L.37	8	Mr. Alfonso Martínez, Mr. van Boven, Mr. Chernichenko, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Mr. Khalil, Ms. Ksentini, Mr. Maxim, Mrs Mbonu, Mr. Merills, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Tian Jin, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft resolution
E/CN.4/Sub.2/1990/L.38	10	Mr. Hatano, Mr. Ikahanaf, Mr. Joinet and Mr. Sachar: draft resolution
E/CN.4/Sub.2/1990/L.39	6	Mr. van Boven, Mr. Carey, Mr. Despouy, Mr. Heller, Mr. Saboia and Mr. Suescún Monroy: draft resolution
E/CN.4/Sub.2/1990/L.40	3	Mr. Sachar and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.41	6	Ms. Daes, Mr. Eide, Mr. Joinet and Mr. Merills: draft resolution
E/CN.4/Sub.2/1990/L.42	10	Ms. Bautista, Ms. Daes, Mr. Despouy, Mr. Ilkahanaf and Mr. Joinet: draft decision
E/CN.4/Sub.2/1990/L.43	19	Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Mr. Flinterman, Ms. Ksentini, Mr. Maxim, Ms. Mbonu and Mr. Treat: draft decision
E/CN.4/Sub.2/1990/L.44	15	Mr. Alfonso Martínez, Ms. Daes, Mr. Eide, Ms. Ksentini, Ms. Mbonu, Ms. Palley, Mr. Suescún Monroy and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1990/L.45	4	Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Ilkahanaf, Mr. Khalil, Mr. Maxim and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.46	10	Ms. Bautista, Mr. Eide, Mr. Flinterman, Mr. Guissé, Mr. Maxim, Mr. Ramishvili, Mr. Sachar, Mr. Sadi and Mr. Suescún Monroy: draft resolution
E/CN.4/Sub.2/1990/L.47	15	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Eide, Ms. Ksentini, and Mr. Türk: draft resolution

E/CN.4/Sub.2/1990/L.48	4	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Despouy and Ms. Ksentini: draft decision
E/CN.4/Sub.2/1990/L.49	15	Ms. Bautista, Mr. van Boven, Mr. Despouy, Ms. Palley and Ms. Warzazi: draft resolution
E/CN.4/Sub.2/1990/L.50	15	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes and Mr. Türk: draft resolution
E/CN.4/Sub.2/1990/L.51	15	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Mr. Hatano, Ms. Mbonu, Mr. Treat and Mr. Türk: draft resolution
E/CN.4/Sub.2/1990/L.52	8	Mr. van Boven, Ms. Daes, Ms. Ksentini and Ms. Palley: draft resolution
E/CN.4/Sub.2/1990/L.53	15	Mr. Alfonso Martínez, Ms. Bautista, Ms. Daes, Ms. Ksentini, Mr. Treat and Mr. Türk: draft resolution
E/CN.4/Sub.2/1990/L.54	4	Mr. Alfonso Martínez, Ms. Bautista, Mr. van Boven, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Guissé, Mr. Hatano, Mr. Heller, Mr. Ilkahanaf, Mr. Joinet, Ms. Ksentini, Mr. Maxim, Ms. Mbonu, Ms. Palley, Mr. Sachar, Mr. Sadi, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft decision
E/CN.4/Sub.2/1990/L.55	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.26: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.56	10 (d)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.27: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/1990/L.57	10 (b)	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.30: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.58	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.33: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.59	8	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.37: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.60	8	Amendments to draft resolution E/CN.4/Sub.2/1990/L.52 submitted by Ms. Daes
E/CN.4/Sub.2/1990/L.61	17	Mr. van Boven, Ms. Bautista, Ms. Daes, Mr. Despouy, Mr. Eide, Mr. Joinet, Mr. Maxim, Ms. Palley, Mr. Sachar, Mr. Suescún Monroy and Mr. Treat: draft resolution
E/CN.4/Sub.2/1990/L.62	4	Mr. Alfonson Martínez, Ms. Daes, Mr. Despouy, Mr. Hatano, Mr. Ilkahanaf, Mr. Khalil, Ms. Ksentini, Ms. Palley, Mr. Ramishvili, Mr. Suescún Monroy, Mr. Treat, Ms. Warzazi and Mr. Yimer: draft decision
E/CN.4/Sub.2/1990/L.63	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.44 : statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/1990/L.64	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.47 : statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.65	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.50: statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.66	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.51 : statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.67	15	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.53 : statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council
E/CN.4/Sub.2/1990/L.68	17	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.61 : statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

E/CN.4/Sub.2/1990/L.69	4	Administrative and programme budget implications of the draft resolution contained in document E/CN.4/Sub.2/1990/L.62 : statement submitted by the Secretary-General in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council

Documents issued in the non-governmental organization series (issued in English, French and Spanish only)

E/CN.4/Sub.2/1990/NGO/1	10 (a)	Written statement submitted by the American Association of Jurists a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/2	6	Written statement submitted by the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/3	4	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/4	10 (a)	Written statement submitted by the International Institute of Higher Studies in Criminal Sciences, a non-governmental organization in consultative status (Roster)
E/CN.4/Sub.2/1990/NGO/5	15	Written statement submitted by the Four Directions Council, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/6	6	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/7	17 (a)	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/8	8	Written statement submitted by FIAN (Food first International Action Network), a non-governmental organization in consultative (Roster)
E/CN.4/Sub.2/1990/NGO/9	13	Written statement submitted by FIAN (Food first International Action Network), a non-governmental organization in consultative (Roster)

E/CN.4/Sub.2/1990/NGO/10	6	Written statement submitted by the International League for the Rights and Liberation of Peoples, Service, Justice and Peace in Latin America, and the International Association of Democratic Lawyers, non-governmental organizations in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/11	7	Written statement submitted by the International League for the Rights and the Liberation of Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/12	5 (a)	Written statement submitted by Disabled Peoples' International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/13	4	Written statement submitted by Friends of the Earth, International Educational Development, Inc. and the Sierra Club Legal Defense Fund, non-governmental organizations on the Roster, and Disabled Peoples' International and the International Indian Treaty Council, non-governmental organizations in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/14	15	Written statement submitted by the Inuit Circumpolar Conference and the International Organization of Indigenous Resource Development, non-governmental organizations in consultative status (category II) and the Grand Council of the Crees (Quebec), a non-governmental organization on the Roster
E/CN.4/Sub.2/1990/NGO/15	17 (a)	Written statement submitted by International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/16	8	Written statement submitted by the American Association of Jurists, a non-governmental organization in consultative status (category II)

E/CN.4/Sub.2/1990/NGO/17	15	Written statement submitted by Indian Law Resource Center, a non-governmental organization on the Roster
E/CN.4/Sub.2/1990/NGO/18	10 (a)	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/19	6	Written statement submitted by the International Federation for Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/20	6 and 15	Written statement submitted by the International League for the Rights and Liberation of Peoples, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/21	15	Written statement submitted by the International Federation Terre des Hommes, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/22	15	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/23	4	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/24	19	Written statement submitted by the International League for Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/25	6	Written statement submitted by Human Rights Advocates, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/26	6	Written statement submitted by the International Educational Development Inc., a non-governmental organization in consultative status (category II)

E/CN.4/Sub.2/1990/NGO/27	6	Written statement submitted by the Romani Union, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/28	6	Written statement submitted by the Friends of the Earth International, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/29	6	Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/30	7	Written statement submitted by the International Commission for Health Professionals for Health and Human Rights, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/31	4	Written statement submitted by the International Educational Development Inc., a non-governmental organization in consultative status on the Roster
E/CN.4/Sub.2/1990/NGO/32	8	Written statement submitted by the International Commission of Jurists, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/33	13	Written statement submitted by the National Aboriginal and Islander Legal Services Secretariat, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/34	14	Written statement submitted by the International Human Rights Group, a non-governmental organization in consultative status (category II)
E/CN.4/Sub.2/1990/NGO/35	6	Written statement submitted by the World Confederation of Labour, a non-governmental organization in consultative status (category I)

UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/CN.4/1991/2/Corr.1
E/CN.4/Sub.2/1990/59/Corr.1
13 December 1990

Original: ENGLISH and
SPANISH ONLY

COMMISSION ON HUMAN RIGHTS

Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SECOND SESSION

Corrigendum

On the cover page the name of the Rapporteur should read "Mr. Vergne Saboia".